

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6379 of 2015 (V)

PETITIONER :

**V. SAJAYA KUMAR, AGED 34 YEARS,
S/O LATE T. VIJAYARAGHAVAN, RESIDING AT 8/1973,
MATTANCHERY MURI, MATTANCHERY VILLAGE, KOCHI TALUK,
ERNAKULAM DISTRICT -682 002**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM P.S.
SRI.T.PABDUL HAMEED
SMT.RUKSANA K SUBAIR**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR, COLLECTORATE,
KAKKANAD, ERNAKULAM DISTRICT.**
- 2. THE THAHASILDAR,
TALUK OFFICE, KOCHI TALUK,
ERNAKLAM DISTRICT -682 001**
- 3. THE VILLAGE OFFICER,
VILLAGE OFFICE, MATTANCHERY VILLAGE,
ERNAKULAM DISTRICT, PIN- 682 002**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 6379 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE TRUE COPY OF THE REGISTERED ASSIGNMENT DEED
NO.1807/2009, DATED 19-06-2009 OF KOCHI SUB REGISTER OFFICE.**
- EXT.P2: THE TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED
08-12-2014.**
- EXT.P3: THE TRUE COPY OF THE ORDER DATED 22-08-2014 IN CLAIM
PETITION NO.6502 OF 2012 IN IA NO 5000/2012 IN OS NO.765 OF 2012
PRINCIPAL SUBORDINATE JUDGE'S COURT AT ERNAKULAM.**
- EXT.P4: THE TRUE COPY OF THE COMMUNICATION OF LIFTING ATTACHMENT
DATED 03-09-2014 IN CLAIM PETITION NO 6502 OF 2012 IN IA NO.
5000/2012 IN OS NO.765 OF 2012 PRINCIPAL SUBORDINATE JUDGE'S
COURT AT ERNAKULAM.**
- EXT.P5: THE TRUE COPY OF THE APPLICATION FOR MUTATION DATED
17-12-2014 BY PETITIONER.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.6379 of 2015

Dated this the 27th day of February, 2015

JUDGMENT

The petitioner obtained the property as per Ext.P1 assignment deed and is enjoying the same to the exclusion of all others with absolute rights. Ext.P2 is the Encumbrance free Certificate in this regard.

2. When the petitioner approached the Revenue authorities for effecting mutation in terms of the Transfer of Registry Rules, it was not acceded to, referring to an attachment ordered by the Civil Court. Ext.P3 is the order, whereby the attachment has already been lifted and same has been communicated by the Court to the Sub Registry vide Ext.P4 order dated 03.09.2014. Though the petitioner has preferred Ext.P5 application for mutation before the 2nd respondent, it is still to be acted upon and hence the grievance.

3. Heard the learned Government Pleader as well.

4. This Court has already been made it clear in **Joseph Kurian Vs. Village Officer [2010 (3) KLT 251]** that existence of attachment ordered by the Civil Court cannot be a bar in so far as the request or effecting mutation is to be considered and implemented. By virtue of Ext.P3, the attachment already stands lifted.

5. In the said circumstances, there will be a direction to the 3rd respondent to consider Ext.P5 application and to effect mutation in respect of the property covered by Ext.P1 in favour of the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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