

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No.7272 of 2015 (H)

PETITIONER:

**MICHAEL TOMY,AGED 25 YEARS,S/O.TOMY GEORGE,
KALLIVAYALIL HOUSE,POOVARANI P.O.
POOVARANI VILLAGE,MEENACHIL TALUK,
KOTTAYAM(DIST),PIN-686 577.**

BY ADV.SRI.RAJESH CHERIAN

RESPONDENT'S:

- 1. STATE OF KERALA,REVENUE DEPARTMENT,
THIRUVANANTHAPURAM,PIN-695 001
REPRESENTED BY IS SECRETARY TO GOVERNMENT.**
- 2. THE TAHSILDAR,MEENACHIL TALUK,
PALA P.O.,KOTTAYAM (DIST),PIN-686 575.**
- 3. THE VILLAGE OFFICER,KONDOOR VILLAGE,
MEENACHIL TALUK,THIDANADU P.O.,
KOTTAYAM DISTRICT,PIN-686 123.**

R1 TO R3 BY SENIOR GOVT.PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.7272 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:TRUE COPY OF SETTLEMENT DEED NO.2060/13 OF SRO,ERATTUPETTA.

EXT.P2:TRUE COPY OF THE TRANSFER OF REGISTRY UPDATION FROM
RECEIPT NO.41110/4110918 DATED 3.12.2012 THANDAPAER NO.2934 AND
2935.

EXT.P3:TRUE COPY OF PRIOR TITLE DEED NO.1427/2012 OF SRO
ERATTUPETTA, EXECUTED BETWEEN MICHAEL GEORGE AND 4
OTHERS.

EXT.P4:TRUE COPY OF PRIOR TITLE DEED NO.1975/2012 OF SRO ERATTUPETTA,
EXECUTED BY RAJAMMA MATHEW IN FAVOUR OF TOMY GEORGE.

EXT.P5:RECEIPT NO.5847791 DATED 20.1.2014, EVIDENCING RECEIPT OF
RS.550/- BY VILLAGE OFFICE KONDOOR VILLAGE.

EXT.P6:LETTER ISSUED BY ADDL THASILDAR MEENACHIL THALUK.

EXT.P7:AFFIDAVIT SWORN BY MICHAEL TOMY.

RESPONDENTS EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 7272 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"a. Issue a writ of mandamus directing the respondents 2 and 3 to effect mutation of Ext.P1 property.

b. To pass such other orders which this Hon'ble Court deems fit to pass in the facts and circumstances of the case including the cost of this petition."

The learned counsel for the petitioner places reliance on the decision rendered by this Court in **Devassia v. Sub Registrar** (2015 (1) KLT 825) and seeks to extend similar benefit to the petitioner as well.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the petitioner is also entitled to have similar reliefs. The operative portion of the above verdict reads as follows:

"14. In view of the above, these writ petitions are disposed with the following directions"

i. There shall be a direction to the Revenue

Officials to effect mutation in respect of the properties obtained by the purchasers based on valid title.

ii. If any of the properties are found to be converted before or after the purchase, the Revenue Officials are free to bring it to the notice of the Taluk Land Board or the appropriate Authorities to include the property in the account of the holder of land at the time of exemption for the purpose of ceiling.

iii. The registering authority shall not insist for no-objection certificate for the reason that the land is exempted land for the purpose of registration.

iv. The transfer of exempted land as a whole or in part can be acted upon for the purpose of registration or effecting mutation.

v. In the light of the directions above, the Registering Authority and Revenue Officials are directed to do the needful in these matters to register the document and effect mutation within a period of four weeks from date of receipt of a copy of this judgment. No costs."

The writ petition is disposed of in similar lines granting similar benefit to the petitioner herein as well. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.