

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. 7520 of 2015 (L)

PETITIONER(S) :

**MUHAMMED HANEEFA, AGED 40 YEARS,
S/O.SHAMSUDHEEN, KUNJARAKONAM PUTHEN VEEDU,
PARASSALA DESOM, PARASSALA VILLAGE,
NEYYATTINKARA TALUK**

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM- 695 005.**
- 2. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM- 695 005.**
- 3. THE ADDITIONAL TAHSILDAR,
NEYYATTINKARA- 695 121.**
- 4. THE VILLAGE OFFICER,
CHENKAL, THIRUVANANTHAPURAM- 695 132.**

BY SR.GOVERNMENT 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:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE DECREE DATED 14/03/2013 IN O.S.NO.470/2011
ON THE FILE OF SUB COURT, NEYYATTINKARA.**

EXHIBIT P2: TRUE COPY OF THE SALE DEED NO.167/2014 DATED 23/01/2014.

**EXHIBIT P3: TRUE COPY OF THE KYCHIT AND THE REPORT OF THE COURT
AMIN IN O.S.NO.470/2011 OF THE SUB COURT, NEYYATTINKARA.**

**EXHIBIT P4: TRUE COPY OF THE APPLICATION DATED 05/01/2015 BEFORE
THE 3RD RESPONDENT TO EFFECT MUTATION.**

**EXHIBIT P5: TRUE COPY OF THE SAID RECEIPT ISSUED BY
THE 4TH RESPONDENT ON 13/01/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 7520 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

The petitioner has approached this Court seeking for a direction to be given to the respondents to effect the mutation in respect of the property comprised in Block No.44 and Re.Sy.No.61/6, 61/6-1, 61/6-4, 61/6-2, 61/6-3 of Chenkal Village and to receive land tax in accordance with the relevant provisions of law. The case projected by the petitioner is that, the request of the petitioner was not considered referring to some attachment over the property which cannot be a bar with regard to the relief sought for.

2. Heard the learned Government Pleader as well, who submits that, there is an attachment ordered by the Sub Court, Neyyattinkara in O.S. No.476/2011 and that the proceedings filed by the petitioner before this Court are in respect of O.S.No.470/2011 preferred by the petitioner. However this Court finds that, attachment, if any, ordered by the Civil Court cannot be a bar with regard to effecting mutation in terms of the Transfer of Registry Rules and as to the satisfaction of the land tax under

the Kerala Land Tax Act. No prejudice will be caused to anybody and the parties concerned are entitled to proceed against the property concerned in accordance with law, if there is a sustainable claim. This Court finds support from the law declared by this Court as per decision reported in **Joseph Kurian V. Village Officer (2010 (3) KLT 251)**.

3. In the said circumstances, the third respondent is directed to consider the application for mutation, within 'one month' from the date of receipt of a copy of this judgment. It is also made clear that, this will be without prejudice to the rights and liberties of the parties in the pending litigation before the concerned Civil Court.

The writ petition stands disposed of. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the third respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.