

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No.7544 of 2015 (P)

PETITIONER:

**LILLYKUTTY MATHAI,D/O.MATHAI,AGED 68 YEARS,
KANNANMANNIL HOUSE,CHEENKAL THADAOM P.O.
MANNARAKULANJI,MYLAPPRA,PATHANAMTHITTA - 689 671.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA
SRI.BOBY C. BABY
SRI.ANOOP BHASKAR**

RESPONDENTS:

- 1. STATE OF KERALA,REPRESENTED BY THE SECRETARY,
LAND REVENUE,GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TAHASILDAR,TALUK OFFICE,KONNI - 689 691.**
- 3. THE VILLAGE OFFICER,MYLAPRA,
PATHANAMTHITTA - 689 671.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.7544 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE WILL NO.3/1971 DATED 11/01/1979 OF SRO, RANNI
EXECUTED BY PETITIONER'S FATHER AND MOTHER.**

**EXT.P2:TRUE COPY OF THE REQUEST MUTATION DATED 11/03/2013 SUBMITTED
BY THE PETITIONER TO THE 2ND RESPONDENT.**

**EXT.P3:TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 02/12/2010
SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.**

**EXT.P4:TRUE COPY OF LETTER NO.51/2015 DATED 21/01/2015 ISSUED BY THE
3RD RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 7544 of 2015

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Dated, this the 27th day of March, 2015

JUDGMENT

The petitioner became the owner of the property having an extent of 3 cents of land comprised in Old Survey No. 570/1F in Mylapra Village, by virtue of Ext. P1 Will executed before the SRO, Ranni by the parents of the petitioner. The learned counsel for the petitioner submits that the 'Will' has come into operation, as both the parents are no more. In the said circumstances, the petitioner approached the third respondent for effecting mutation under the relevant provisions of Transfer of Registry Rules on 11.03.2013. Despite lapse of more than 2 years, the matter is still to be considered.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of, directing the third respondent to consider and pass appropriate orders on Ext. P2, in accordance with law, after conducting measurement/survey of the property, if required, so as to settle the

issue once and for all, after affording an opportunity of hearing to the petitioner and other interested parties, if any, which shall be done, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

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

Sd/-

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

kmd