

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 7579 of 2015 (V)

PETITIONER(S):

**MR.O.V. RAPHAEL, AGED 67 YEARS,
S/O.VAREED, ONNAPILLY HOUSE,
VADUTHALA, KOCHI-682 023.**

BY ADV. A.P.SUBHASH.

RESPONDENT(S):

**THE SUB REGISTRAR,
KIRTHILAL BUILDING, M.G. ROAD,
ERNAKULAM-682 011.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 : TRUE COPY OF PATTAYAM NO.L3-560/09(70) DATED 28.01.2009.
- EXT P2 : TRUE COPY OF TAX RECEIPT ISSUED FROM THE CHERANELLOOR VILLAGE DATED 16.01.2014.
- EXT P3 : TRUE COPY OF JUDGMENT DATED 09.12.2014 IN WP(C).NO.31806 OF 2014.
- EXT P4 : TRUE COPY OF ORDER PASSED BY THE GOVT. OF KERALA GO(MS) NO.600/13/RD DATED 24.12.2013.
- EXT P5 : TRUE COPY ORDER LRJ4-24104/2013, DATED 05.12.2012.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7579 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

Refusal on the part of the respondent in registering the Settlement Deed, sought to be executed by the petitioner in favour of his sons, made the petitioner to approach this Court by filing the writ petition.

2. The learned counsel for the petitioner submits that, the property concerned came to the hands of the petitioner by virtue of Ext.P1 patta issued on 28.01.2009 and the petitioner is enjoying the said property with absolute rights to the exclusion of all others, also remitting tax as borne by Ext.P2 tax receipt. The respondent refused to accede to the request made by the petitioner to have it registered, stating that there might be some adverse clauses with regard to alienation in the patta. Though the petitioner sought to explain the position with reference to the

patta, the same was not accepted and hence the writ petition.

3. Heard the learned Government Pleader as well.

4. During the course of hearing, it is brought to the notice of this Court by the learned counsel for the petitioner that, the issue stands covered in favour of the petitioner as per the law declared by this Court as per Ext.P3 judgment dated 09.12.2014 in WP(C) No.31806 of 2014. A full text of the patta has been produced along with I.A. No.3936 of 2015. It is stated that, no restrictive clause is incorporated in the patta. Even otherwise, in so far as the law stands declared by this Court as per Ext.P3 and further since the petitioner is intending to execute the conveyance in favour of his sons, this Court finds that the refusal on the part of the respondent to cause registration of the conveyance as above, is not correct or sustainable.

5. In the said circumstances, the petitioner is set at liberty to produce the original of the conveyance before the respondent, upon which, the same shall be caused to be registered, if it is otherwise in order, subject to satisfaction of the legal

requirements in accordance with the relevant provisions of Registration Act/ Rules.

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

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp