

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).NO. 7938 OF 2015 (N)

PETITIONER(S):

**MOHAMMEDUNNI, AGED 54 YEARS,
S/O.MOHAMMED, PURAYAKKAD HOUSE,
EASWARAMANGALAM (PO), PONNANI (TALUK),
MALAPPURAM DISTRICT, PIN -679 573.**

BY ADV. SRI.M.I.JOHNSON.

RESPONDENT(S):

- 1. THE SUB REGISTRAR, PONNANI,
MALAPPURAM DISTRICT, PIN- 679 577.**
- 2. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN -695 023.**

BY GOVT. PLEADER SRI.M. MUHAMMED SHAFI.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).NO. 7938 OF 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 TRUE COPY OF THE DOC NO. 406/1993 OF SRO PONNANI.

EXHIBIT P2 TRUE COPY OF THE DOCUMENT PRESENTED BEFORE THE
1ST RESPONDENT FOR REGISTRATION DATED 26-02-2015,
EXECUTED BY THE PETITIONER.

EXHIBIT P3 TRUE COPY OF THE MEMO DATED 26-02-2015 ISSUED BY THE
1ST RESPONDENT.

EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 26-02-2015 IN
WP(C).NO.6120 OF 2015 IN MOHAMED ILYAS.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.7938 OF 2015
.....

Dated this the 12th March, 2015

J U D G M E N T

The petitioner had purchased 10.54 Ares of property comprised in Rs.Sy No.123/16 of Ezhuvathiruthi Villge of Ponnani Taluk. In the revenue records, the nature of the property is described as 'Nilam' though physically it is a garden land. When the petitioner presented the document for registration, showing the description of the property as 'paramba', the same came to be rejected by the first respondent/Sub Registrar raising the objection that in the previous documents the nature of the property was described as 'Nilam' . The petitioner is aggrieved of rejection of registration and hence this writ petition.

2. The case of the petitioner is that the first respondent has no authority to reject registration since it is for the revenue authorities to ascertain the nature of the property while effecting mutation. When the matter is taken up for consideration, learned Counsel submits that in exactly similar situations, necessary directions have been given by this Court to the registering authority to cause registration of the property also making it

clear that it is for the Revenue authorities to ascertain the nature and topography of the land while effecting mutation (as per judgments in W.P.(C)Nos. 23146 of 2014, 6120 of 2015 etc.)

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of directing the first respondent/Sub Registrar, to cause registration of Ext.P2 document in accordance with law, if the same is otherwise registrable in tune with the relevant provisions of Registration Act/Rules.

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

P.R.RAMACHANDRA MENON
JUDGE

/k