

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8936 of 2015 (N)

PETITIONER:

**SUBAIR, AGED 51 YEARS,
S/O. KUNJAVA, VADAPARAMBIL HOUSE, EZHUVATHIRUTHI,
PONNANI TALUK, MALAPPURAM DISTRICT, PIN-679 577.**

**BY ADVS.SRI.M.I.JOHNSON
SRI.T.K.MOIDEEN KUTTY**

RESPONDENTS:

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

R1 & R2 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 8936 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF DOC.NO. 5186/13 OF SRO PONANI.

EXHIBIT P2- TRUE COPY OF THE DOCUMENT PRESENTED BEFORE THE 1ST
RESPONDENT FOR REGISTRATION DATED 06-03-2015, EXECUTED BY
THE PETITIONER.

EXHIBIT P3- TRUE COPY OF THE MEMO DATED 10-3-2015 ISSUED BY THE 1ST
RESPONDENT.

EXHIBIT P4- TRUE COPY OF JUDGMENT DATED 26-02-2015 IN WPC NO. 6120
OF 2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8936 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

The petitioner has approached this Court, mainly with the following prayers:

(a) Issue appropriate writ declaring that the objection noted by the 1st respondent by way of Exhibit P3 is not legally sustainable.

(b) Issue a writ of certiorari or any other appropriate writ, order or direction directing the 1st respondent to register the Exhibit P2 sale deed dated 6.03.2015 executed by the petitioner in favour of his wife Bushra.

(c) Costs of this petition may be awarded to the petitioner.

(d) Grant such other relief as this Hon'ble Court deems fit and proper in the circumstances of the case.

2. The grievance of the petitioner is with regard to non registration of Ext.P2 document presented by the petitioner before the first respondent, referring to description of the property as 'nilam'. The learned counsel for the petitioner submits that in an exactly similar circumstance, this Court has directed the registering authority to cause registration of the

concerned document, making it clear that, it is for the Revenue Authorities to ascertain the nature and topography of the concerned land while effecting mutation. The petitioner relies on Ext.P4 judgment dated 26.02.2015 in W.P.(C). No. 6120 of 2015 and seeks to extend similar benefits to the petitioner as well.

3. Heard the learned Government Pleader as well.

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

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

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

kp/-