

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 9122 of 2015 (M)

PETITIONER(S):

**K.RADHAMMA, AGED 74 YEARS,
D/O.LATE K.R.KESAVA PILLAI, "PUTHIYA MADAM",
AIYERKULANGARA, THEKKENADA POST, PIN - 686 142,
KOTTAYAM DISTRICT.**

BY ADV. SRI.ANIMON A. JOHN

RESPONDENT(S):

- 1. SUB REGISTRAR, VAIKOM,
KOTTAYAM DISTRICT - 686 141.**
- 2. DISTRICT REGISTRAR (GENERAL),
KOTTAYAM - 686 001.**
- 3. INSPECTOR GENERAL OF REGISTRATION,
REGISTRATION DEPARTMENT, THIRUVANANTHAPURAM - 695 001.**
- 4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REGISTRATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9122 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: THE TRUE COPY OF THE SALE DEED NO.2866/84 DATED 12.11.84.

**EXHIBIT P2: THE TRUE COPY OF THE SETTLEMENT DEED EXECUTED BY
PETITIONER DATED 19.02.15.**

**EXHIBIT P3: THE TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT
DATED 19.2.15.**

**EXHIBIT P4: THE TRUE COPY OF THE JUDGMENT IN WPC 35042/11 OF THIS
HONOURABLE COURT DATED 17.3.14.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 9122 of 2015

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Dated, this the 7th day of April, 2015

JUDGMENT

Refusal on the part of the first respondent to register the original of Ext. P2 settlement deed dated 09.02.2015 made the petitioner to approach this Court by filing the present writ petition.

2. The learned counsel for the petitioner submits that the petitioner has been required by the first respondent to produce original of prior deed, vide Ext. P3 dated 19.02.2015 so as to cause registration of Ext. P2. It is stated that the said deed has already been deposited with the financier, from whom financial assistance was availed by the petitioner and that the petitioner is not in a position to produce the same. The learned counsel for the petitioner submits that Ext. P3 communication issued by the 1st respondent requiring the petitioner to produce the 'prior deed' is not correct or sustainable, as the same is not supported by any provision of law.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court finds that there is no legal prescription either under the Registration Act/Rules or any other enactment, so as to sustain Ext. P3. This is more so, when the first

respondent must be having all the relevant records, so as to ascertain the correctness, if any doubt is there with regard to the contents of Ext. P2 with reference to prior deed as mentioned therein. In the said circumstances, Ext. P3 will stand set aside and there will be a direction to the first respondent to register original of Ext. P2 as and when the same is produced, subject to satisfaction of other requirements, particularly under the Registration Act/Rules.

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

The Writ Petition is disposed of.

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