

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9764 of 2015 (U)

PETITIONER(S) :

**SAINABA, AGED 48 YEARS,
W/O.AHAMMADUNNI, CHANAYILAKATH HOUSE, KALLADATHUR(PO),
PATTAMBI(TALUK), PALAKKAD DISTRICT. PIN-679 552.**

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

RESPONDENT(S) :

- 1. THE SUB REGISTRAR,
KUMARANELLUR, PALAKKAD DISTRICT, PIN-679 552.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM, PIN-695 023.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 9764 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE DOC NO.105/11 OF SRO KUMARANELLUR.**
- P2: TRUE COPY OF THE DOCUMENT PRESENTED BEFORE
THE 1ST RESPONDENT FOR REGISTRATION DATED 17.03.2015,
EXECUTED BY THE PETITIONER.**
- P3: TRUE COPY OF THE MEMO DATED 18.03.2015 ISSUED BY
THE 1ST RESPONDENT.**
- P4: TRUE COPY OF THE JUDGMENT DATED 26.02.2015 IN WP[C]NO.6120/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 9764 of 2015

Dated this the 26th 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 17.03.2015 executed by the petitioner in favour of her daughter Shani.
- (c) Costs of this petition may be awarded to the petitioner.
- (d) Grants 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, on the premise that the property was described as 'nilam'. The learned counsel for the petitioner submits that under exactly similar

circumstances, this Court in Exhibit P4 judgment has directed the registering authority to register the document, making it clear that it is for the Revenue Authorities to ascertain the nature and topography of the property while effecting mutation.

3. Heard the learned Government Pleader as well.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader for the respondents, this Court disposes of the writ petition with a direction to the first respondent to cause registration 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.

With the above observations, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-