

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 10009 of 2014 (A)

PETITIONER(S):

1. ST.GEORGE ORTHODOX SYRIAN CHURCH,
VANIAMPARA, ALATHUR TALUK, PALAKKAD DISTRICT
PIN-678683
REPRESENTED BY ITS VICAR REV.FR.C.M.RAJU.

2. ABRAHAM,
S/O.ABRAHAM, PETTATHANAM, VANIAMPARA P.O.
THRISSUR TALUK, PIN-680652.

BY ADV. SRI.P.R.VENKETESH

RESPONDENT(S):

1. THE TAHSILDAR,
ALATHUR-678541.

2. THE VILLAGE OFFICER,
KANNAMPRA VILLAGE-I, ALATHUR TALUK-678686.

3. THE DISTRICT COLLECTOR,
PALAKKAD-678001.

4. P.V.CHENTHAMARAKSHAN,
S/O.VASU NAIR, SOUPARNIKA, KATTUKODE
VADAKKENCHERY, ALATHUR, PALAKKAD DISTRICT-678683.

R1 BY GOVERNMENT PLEADER SMT. C.K. SHERINE

R4 BY ADV. SRI.N.SUBRAMANIAM

R4 BY ADV. SRI.M.S.NARAYANAN

R4 BY ADV. SRI.P.T.GIRIJAN

R4 BY ADV. SMT.USHA NARAYANAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF REGISTERED JENMOM ASSIGNMENT DEED NO.241/2014 AT THE SRO, VADAKKENCHERY EXECUTED BY THE 2ND PETITIONER AND TWO OTHERS.
- P2: COPY OF REGISTERED ASSIGNMENT DEED NO.958/1951 AT THE SRO, ALATHUR.
- P3: COPY OF THE RESOLUTION TAKEN BY THE BOARD OF DIRECTORS OF THE COMPANY IN THE YEAR 2002.
- P4: COPY OF THE ROR EXTRACT DATED 1.10.2013 ISSUED TO THE 2ND PETITIONER AND THE OTHER TWO ASSIGNORS.
- P5: COPY OF THE BASIC TAX RECEIPT DATED 1.10.2013.
- P6: COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE KANNAMBRA VILLAGE TO THE VANIAMPARA RUBBER ESTATE COMPANY.
- P7: COPY OF THE SURVEY SKETCH ISSUED BY THE KANNAMBRA VILLAGE.
- P8: COPY OF THE PLAINT IN OS NO.153/2014 FILED BEFORE THE MUNSIF COURT, ALATHUR BY THE 4TH RESPONDENT.
- P9: COPY OF THE GIFT DEED NO.2339/1991 AT THE SRO, VADAKKENCHERY.
- P10: COPY OF THE DOCUMENT NO.460/2005.
- P11: COPY OF THE TRACK RESULT OBTAINED FROM THE SITE OF THE POSTAL DEPARTMENT.

RESPONDENT(S)' EXHIBITS:

- R4(a): COPY OF POSSESSION CERTIFICATE ISSUED TO THE 4TH RESPONDENT FOR 03.55 HECT IN R.S. 19/5, 19/6, 19/7 (OLD SY.NO. 118/1B).
- R4(b): COPY OF TAX RECEIPT FOR 2013-2014 FOR THE 03.55 HECT.
- R4(c1) & (c2): COPY OF THE LETTER SENT BY ADDITIONAL SECRETARY TO THE 4TH RESPONDENT ALONG WITH THE REPORT OF DISTRICT COLLECTOR, PALAKKAD.

//TRUE COPY//

P.A. TO JUDGE

ds

K. VINOD CHANDRAN, J.

W.P.(C) No. 10009 of 2014 (A)

Dated this the 24th day of July, 2015

J U D G M E N T

The petitioners seek for mutation and the 4th respondent opposes the same on the ground that there is a pending civil suit.

2. The issue is no longer res integra and this Court has, by the decision reported in **Nevin Raju v. Basheer - 2015 (3) KLT SN 4 (Case No.6)**, held that a pending civil suit cannot stand in the way of effecting mutation since the mutation as such or by itself, would not confer any title.

3. In such circumstance, the mutation shall be effected but however, subject to the decision in O.S. No.153/2015 pending before Munsiff's Court, Alathur. The land tax shall also be accepted in accordance with the

mutation, which also would not confer any title. The mutation shall be done within two weeks from the date of production of the certified copy of this judgment.

Writ Petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE