

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 9852 of 2015 (F)

PETITIONER(S):

**MRS. WAHEEDA, AGED 47 YEARS
W/O.NAZEER, KUTTIMACKAL HOUSE, ELOOR VILLAGE
PARUR TALUK, UDYOGAMANDAL P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.N.S.MOHAMMED USMAN
SRI.A.S.BENOY
SMT.PRIYA DEVI.P
SRI.P.A.FIROZKHAN**

RESPONDENTS:-:

- 1. THE SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, VAIKOM P.O.
KOTTAYAM DISTRICT - 686 141.**
- 2. THE STATE OF KERALA,
REPRESENTED THE SECRETARY,
REGISTRATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM DISTRICT - 695 035.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 9852 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.1435 OF 2008 OF VAIKOM S.R.O.

**EXHIBIT P2. TRUE COPY OF SALE DEED EXECUTED IN FAVOUR OF JISMOL THOMAS
DATED 26.02.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 9852 of 2015

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Dated, this the 6th day of April, 2015

JUDGMENT

The petitioner is aggrieved of callous inaction on the part of the first respondent in registering original of Ext. P2 sale deed executed by the petitioner in favour of the prospective purchaser. The learned counsel for the petitioner submits that the petitioner is badly in need of money and that it is in the said circumstances that the petitioner sought to sold the property covered by Ext. P1 to the party concerned for valuable sale consideration. It is stated that the petitioner purchased the said property six years back and that there is no complaint from any corner till date. The petitioner is enjoying the property with absolute ownership, exclusive possession and clear and marketable title and also satisfying land tax. The learned counsel for the petitioner submits that when the petitioner approached the respondent to cause the registration of Ext. P1 document, the first respondent declined the same, referring to the instance of undervaluation in respect of earlier transaction. Hence the writ petition.

2. Heard the learned Government Pleader as well.

3. Considering the nature of grievance projected by the petitioner and also going through the pleadings and proceedings, this Court finds that there is no rationale on the part of the first respondent in refusing to register the document, if the same is otherwise a registrable document under the relevant provisions of the Registration Act/Rules. In the said circumstances, the first respondent is directed to cause Ext. P1 to be registered as and when the same is presented, subject to satisfaction of other requirements under the relevant provisions of law. It is made clear that this will not bar the way of the concerned respondent to proceed against the persons concerned or property, if there was any undervaluation in connection with registration of Ext. P1, in so far as same is permissible within the four walls of law.

The 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.

Sd/-

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