

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 10076 of 2014 (H)

PETITIONER:

**TWINKE RAJ.R., AGED 31 YEARS,
S/O.RAGHAVAN NAIR, VAKKAPPULATH, THODANAL.P.O
KOTTAYAM DISTRICT-686573.**

**BY ADVS.SRI.V.PHILIP MATHEW
SRI.E.RADHAKRISHNAN**

RESPONDENTS:

- 1. STATE OF KERALA
DEPARTMENT OF REVENUE,
KERALA GOVERNMENT SECRETARIAT
REPRESENTED BY ITS SECRETARY-695001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM-686002.**
- 3. THE TAHSILDAR,
MEENACHIL TALUK, KOTTAYAM DISTRICT-686577.**
- 4. THE VILLAGE OFFICER,
MEENACHIL VILLAGE, KOTTAYAM DISTRICT-686577.**
- 5. THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, KOZHUVANAL
KOTTAYAM DISTRICT-686573.**
- 6. KERALA STATE FINANCIAL ENTERPRISES,
BHADRATHA, MUSEUM ROAD, THRISSUR-680002
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 7. SPECIAL DEPUTY TAHSILDAR(R.R),
K.S.F.E.LTD, 3RD FLOOR, K.S.F.E.BUILDINGS
CHINNAKKADA, KOLLAM-691001.**

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8. JOHNY THOMAS,
S/O.THOMAS, KAIPPALIYEL (PADINJAREMYLADIYIL)
PARIYARAMANGALAM, KIDANGOOR, MEENACHIL
KOTTAYAM DISTRICT-686577.
9. LINCY CHERIAN,
W/O.JOHNY THOMAS, KAIPPALIYEL(PADINJAREMYLADIYIL)
PARIYARAMANGALAM, KIDANGOOR, MEENACHIL
KOTTAYAM DISTRICT-686577.
10. VALSALAKUMAR.C.S,
S/O.SREEDHARAN NAIR, CHARALEL HOUSE, KOTTANAD.P.O
MALLAPPALLY, PATHANAMTHITTA DISTRICT-689615.

R1-5,7 BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.
R6 BY ADV. SRI.LAL GEORGE, SC
R6 BY SRI.ALEXANDER.C.V., SC,
R8 & 9 BY ADV. SRI.ALIAS M.CHERIAN
R10 BY ADV. SRI.UNNIKRISHNAN.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1** **COPY OF THE SALE DEED NO.56/2009 DATED 27-01-2009**
- EXT.P2** **COPY OF THE RELEASE DEED NO.865/2011 OF KOZHUVANAL SRO**
- EXT.P3** **COPY OF THE LAND TAX RECEIPT DZATED 25-09-2013**
- EXT.P4** **COPY OF THE FORM 10 DEMAND NOTICE ISSUED BY THE 7TH
RESPONDENT UNDER SECTION 34 OF THE REVENUE RECOVERY ACT**
- EXT.P5** **COPY OF THE FORM 1 DEMAND NOTICE DATED 24.08.2013 ISSUED BY
THE 7TH RESPONDENT UNDER SECTION 7 OF THE REVENUE
RECOVERY ACT**
- EXT.P6** **COPY OF THE REPRESENTATION DATED 23.10.2013 SUBMITTED BY
THE 10TH RESPONDENT BEFORE THE MANAGING DIRECTOR OF
K.S.F.E.**
- EXT.P7** **COPY OF THE ORDER DATED 17-12-2013 PASSED BY THE
GOVERNMENT**
- EXT.P8** **COPY OF THE RECEIPT DATED 17-01-2014 ISSUED BY THE 7TH
RESPONDENT**
- EXT.P9** **COPY OF THE RECEIPTS ISSUED BY THE 7TH RESPONDENT**
- EXT.P10** **COPY OF THE SALE DEED NO.693/13 DATED 17-10-2013 OF
KOZHUVANAL S.R.O.**
- EXT.P11** **COPY OF FORM 1 APPLICATION SUBMITTED BY THE PETITIONER
ALONG WITH RESPONDENTS 8 AND 9 BEFORE THE 5TH RESPONDENT**
- EXT.P12** **COPY OF THE REPRESENTATION DATED 03-03-2014**
- EXT.P13** **COPY OF THE JUDGMENT DATED 14-12-2012 PASSED BY THIS
HONOURABLE COURT IN WP(C)26565/2012.**

RESPONDENT(S)' EXHIBITS

- EXT.R10(A)** **COPY OF THE NOTICE NO.SDT/KLM/10195, 10196/13-14 DATED 9/1/14
ISSUED BY THE R7**
- EXT.R10(B)** **COPY OF THE NOTICE NO.SDT/KLM/10033/13-14 DATED 9/1/14 ISSUED
BY THE R7**

/ TRUE COPY /

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON J.

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Dated, this the 23rd day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding respondents 2 to 4 to effect mutation in respect of the property covered by Ext.P10 in favour of the respondents 8 and 9.
- ii) Issue a writ of mandamus or any other appropriate writ order or direction commanding respondents 2 to 4 to accept land tax and to issue possession certificate and other records relating to property of the petitioner which is situated in Re Survey No. 401/4/2 of Meenachil Village, Kottayam district.
- iii) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 4th respondent to take appropriate action on Ext. P12 within a time limit to be specified by this Hon'ble Court.

iv) Mould and grant such other reliefs which this Hon'ble Court deems just and necessary and that may be prayed for by the petitioner while hearing W.P.

2. The question involved in this case is whether the attachment should place any hurdle with regard to the mutation sought to be effected in respect of the property concerned.

3. The petitioner seeks to place reliance on Ext. P13 judgment passed by this Court under similar circumstance to hold that there cannot be any bar. It has been declared by this Court in **Thulasibhai C.C. Vs. State of Kerala [2010 (4) KHC 142]** that mutation entries are only for the purpose of enabling the State to collect land revenue from the person in the possession and will not confer any title to the land. The learned counsel appearing for the party respondent conceded that there is no dispute with regard to the legal position and that matter could be disposed of.

Accordingly, the writ petition is disposed of, directing the respondents 3 and 4 to take necessary steps to effect mutation in respect of the concerned property in terms of the relevant provisions of 'Transfer of Registry Rules', accept tax under the Kerala Land Tax Act and issue possession certificate on satisfaction

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of the legal requirements, within two weeks from the date of receipt of a copy of this judgment. However it shall be without prejudice to the rights and liberties of the concerned respondents to pursue further steps in accordance with law.

Sd/-

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

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