

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 13721 of 2012 (M)

PETITIONER(S):

**HASEENA RASHEED,
W/O. RASHEED T.K., KUNNAMKULATH HOUSE,
THURUTHEPARAMBU ROAD, VAZHAKKALA,
THRIKKAKARA (PO), ERNAKULAM-682 021.**

**BY ADVS.SRI.G.P.SHINOD,
SRI.RAM MOHAN.G.,
SRI.MANU V.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION,
KAKKANADU, ERNAKULAM-682 021.**
- 2. ADDITIONAL TAHSILDAR,
KANAYANNUR TALUK, ERNAKULAM DISTRICT-682 011.**
- 3. VILLAGE OFFICER,
THRIKKAKARA NORTH VILLAGE,
THRIKKAKARA, ERNAKULAM-682 021.**
- 4. MARTHOMA BHAVAN, KAIPADAMUGAL,
H.M.T. COLONY, KALAMASSERY (PO),
ERNAKULAM-683 101, REPRESENTED BY
SUPERIOR GENERAL.**

**R1 TO R3 BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.
R4 BY ADV. SRI.A.K.JOSE.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE COMMON JUDGMENT DATED 27/01/2007 IN
O.S. NO.61/1993 AND 128 OF 1993 OF THE SUB COURT, ERNAKULAM.
- EXT.P2 COPY OF THE LETTER DATED 19/12/2011 ISSUED BY THE
THIRD RESPONDENT.
- EXT.P3 COPY OF THE REPLY DATED 20/01/2012 ISSUED BY THE
RE SURVEY SUPERINTENDENT, ERNAKULAM.
- EXT.P4 COPY OF THE LETTER DATED 13/02/2012 ISSUED BY THE
THIRD RESPONDENT.
- EXT.P5 COPY OF THE COMPLAINT DATED 03/03/2012 SUBMITTED BY
THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXT.P6 COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING RECEIPT
OF EXT.P5 COMPLAINT BY THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.13721 of 2012

Dated this the 29th day of October, 2015

JUDGMENT

The petitioner is the legal heir of late E.M.Haneef. The petitioner approached the District Collector by Exts.P4 and P5 alleging that transfer of registry has been illegally effected in respect of the property comprised in Survey Nos.764/1-1, 763/6A, 761/1, 765/14, 765/14-1, 765/15-1, 765/15-2 and 766/1A of Thrikkakara Village.

2. It is admitted by the petitioner that there was was a specific performance suit at the instance of the party respondents. This was based on the agreement of sale entered into between Haneefa and the fourth respondent. The fourth respondent appears to have instituted a suit for specific performance as O.S.No.61/1993 before the Sub Court, Ernakulam.

3. The petitioner also appears to have filed a suit as O.S.No.128/1993 before the Sub Court, Ernakulam for recovery of possession. The above suit was dismissed. This is carried in appeal. That appeal is pending before this Court. The fourth

respondent's suit for specific performance was also dismissed and he preferred an appeal before this Court. It is submitted by the fourth respondent that the right to possession has been protected by the decree in the suit.

4. As the matter stands now, there is no finality to the civil dispute. The petitioner now submits that in view of the fact that the civil suit is pending, the transfer of registry ought not have been effected without notice to the petitioner. The petitioner also submits that there is no order passed by the Revenue Officials in ordering transfer of registry. The petitioner approached the District Collector to conduct an enquiry in the matter, in what manner transfer of registry was effected.

I am not expressing anything on the merit of the issue since the matter is relating to transfer of registry, the District Collector shall conduct enquiry after hearing the petitioner and the fourth respondent. Appropriate decision shall be taken by the District Collector on Ext.P5 within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE