

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 10477 of 2015 (H)

PETITIONER(S) :

1. **SAJI DOMINIC,
S/O.T.T.DOMINIC, THUNDIYIL, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT, PIN- 686 507.**
2. **SOJAN GEORGE,
S/O.T.T.VARGHESE, THUNDIYIL, KARINILAM P.O,
MUNDAKAYAM, KOTTAYAM DISTRICT, PIN- 686 513.**

**BY SRI.N.N.SUGUNAPALAN (SENIOR ADVOCATE)
ADVS. SRI.S.SUJIN
SMT.S.G.SAGEE**

RESPONDENT(S) :

1. **THE VILLAGE OFFICER,
KOOVAPPALLY VILLAGE, KOOVAPPALLY VILLAGE OFFICE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT.**
2. **THE TAHSILDAR,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT.**
3. **STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE DOCUMENT NO.1359/14 DATED 08.10.2014.

**EXHIBIT P2: A TRUE COPY OF THE DOCUMENT NO.1354/14 OF S.R.O,
KOOVAPPALLY DATED 08.10.2014.**

**EXHIBIT P3: TRUE COPY OF THE COMMUNICATION DATED 26.02.2015 ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER.**

**EXHIBIT P4: TRUE COPIES OF THE COMMUNICATION DATED 28.02.2015
RECEIVED BY EACH OF THE PETITIONER SEPARATELY IN
RESPECT OF THE PROPERTY HELD BY THEM.**

**EXHIBIT P5: TRUE COPY OF THE COMMUNICATION DATED 28.02.2015
RECEIVED BY EACH OF THE PETITIONER SEPARATELY IN
RESPECT OF THE PROPERTY HELD BY THEM.**

**EXHIBIT P6: A TRUE COPY OF THE SAID JUDGMENT OF THIS HON'BLE COURT
DATED 11.06.2014 IN W.P.(C).NO.28593 OF 2013.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.10477 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"a. Issue a writ of certiorari or any other appropriate writ, order or direction quashing Exts. P4 and P5 communications issued by the 1st respondent to the petitioners.

b. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 and 2 to effect mutation in favour of the petitioners under the Transfer of Registry Rules, in respect of the properties held by them under Exts.P1 and P2 documents.

c. Award to the petitioners the costs of these proceedings.

d. Grant such other or further relief as this Hon'ble Court deems fit to grant in the particular facts and circumstances of the case."

The learned counsel for the petitioners places reliance on the

decision rendered by this Court in **Devassia v. Sub Registrar** (2015 (1) KLT 825) and seeks to extend similar benefit to the petitioners.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the petitioners are also entitled to have similar reliefs. The operative portion of the above verdict reads as follows:

"14. In view of the above, these writ petitions are disposed with the following directions"

i. There shall be a direction to the Revenue Officials to effect mutation in respect of the properties obtained by the purchasers based on valid title.

ii. If any of the properties are found to be converted before or after the purchase, the Revenue Officials are free to bring it to the notice of the Taluk Land Board or the appropriate Authorities to include the property in the account of the holder of land at the time of exemption for the purpose of ceiling.

iii. The registering authority shall not insist for no-objection certificate for the reason that the land is exempted land for the purpose of registration.

iv. The transfer of exempted land as a whole

or in part can be acted upon for the purpose of registration or effecting mutation.

v. In the light of the directions above, the Registering Authority and Revenue Officials are directed to do the needful in these matters to register the document and effect mutation within a period of four weeks from date of receipt of a copy of this judgment. No costs."

The writ petition is disposed of in similar lines granting similar benefit to the petitioners herein as well.

The petitioners shall produce a copy of the judgment, along with a copy of the writ petition, before the concerned respondent, for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp