

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 10500 of 2015 (J)

PETITIONER :

**M.UNNIKRISHNA MENON, 'PRANAVAM',
PALIYAM ROAD, THIRSSUR- 686 001**

BY ADV. SRI.C.CHANDRASEKHARAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001**
- 2. THE TAHSILDAR, THALUK OFFICE,THRISSUR -680 001**
- 3. THE VILLAGE OFFICER,
THRISSUR VILLAGE, THRISSUR- 680 001**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 10500 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE BUILDING PERMIT GRANTED TO THE PETITIONER
 DATED 09.8.2012**
- EXT.P2: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 3RD
 RESPONDENT DATED 27.2.2015**
- EXT.P3: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN
 WPC.NO. 11464/2014 DATED 17.6.2014**
- EXT.P4: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
 TO THE 3RD RESPONDENT DATED 24.2.2015**
- EXT.P5: TRUE COPY OF THE APPLICATION SUBMITTED BY THE VENDOR TO
 3RD RESPONDENT DATED 10.2.2015**
- EXT.P6: TRUE COPY OF THE APPLICATION SUBMITTED BY THE VENDOR TO
 3RD RESPONDENT DATED 10.2.2015**
- EXT.P7: TRUE COPY OF THE REPORT ISSUED TO 2ND RESPONDENT BY 3RD
 RESPONDENT DATED 28.2.2015**
- EXT.P8: TRUE COPY OF THE LETTER ISSUED BY PETITIONER TO 2ND
 RESPONDENT DATED 03.3.2015**
- EXT.P9: TRUE COPY OF THE LEGAL OPINION OF THE DISTRICT
 GOVERNMENT PLEADER DATED 05.10.2013**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 10500 of 2015

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Dated, this the 8th day of April, 2015

JUDGMENT

The grievance of the petitioner is mainly with regard to the laxity on the part of the respondents in acceding to the request made by the petitioner to effect mutation in respect of the properties concerned under the relevant provisions of the Transfer of Registry Rules. Prayers raised in the writ petition are in the following terms :

"(i) To call for the records of the case from exhibit P1 leading to exhibit P9 and examine the same.

(ii) To issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd and 3rd respondents to dispose of Exhibit P4 application and effect mutation as is prayed for in respect of the property in survey No. 231/1 of Thrissur village at the earliest.

(iii) To declare that the respondents are responsible and accountable for the delay in disposing of the application exhibit P4 in its true perspective and the failure to do so make the respondent 2 to 3 accountable for the loss of the petitioner suffered due

to the delay.

(iv) To permit to proceed against the respondents 2 and 3 under civil law as admissible to the quantum of damage available to the petitioner in compelling him to approach the Honourable High Court at every instance for the silly things which respondents 2 and 3 ought to have disposed of timely and consciously to the extent of power bestowed upon them as per the guide line and manual of the Service Rules

and

(v) To issue such other writ, order or direction as this Hon'ble Court may deem fit and proper to grant in the facts and circumstances of the case."

2. Heard the learned Government Pleader as well, who points out with reference to the contents of Ext. P4 that derivation of title is from different corners/sources.

3. The learned counsel for the petitioner submits that the properties originally belonged to different persons and it came to be pooled together and thereafter, the flat was constructed and sold to the purchasers, conveying the proportionate extent in the total undivided property. The learned counsel submits that the factual position has been brought to the notice of the third respondent by filing Ext. P4 representation and that the petitioner is ready to

produce the title deed before the concerned respondent. The only prayer now pressed before this Court is to cause Ext.P4 to be considered within a reasonable time.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to go into the merits of the case. It is for the petitioner to produce the title deed and such other relevant records as and when required. The writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext. P4 in accordance with law, as expeditiously as possible, at any rate within six weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

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

kmd