

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 11654 of 2015 (F)

PETITIONER(S):

**GOPALAKRISHNA PILLAI,
S/O.PADMANABHA PILLAI, AGED 62 YEARS, NEW GOKULAM, PEROOR,
TKM COLLEGE.P.O., KOLLAM-691 005.**

**BY ADVS.SRI.V.JAYAPRADEEP
SRI.V.JAYADHAR**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM-695 005.**
- 2. THE VILLAGE OFFICER,
PARASALA, THIRUVANANTHAPURAM-695 502.**
- 3. THE TAHSILDAR,
NEYATTINKARA. PIN 695 510**
- 4. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM, PEROORKKADA- 695 515**
- 5. SUNANDAKUMARI,
D/O.GOMATHI AMMA, SUNANDA BHAVAN, WEST OF TEMPLE,
PARASSALA.P.O.-695 502**
- 6. SYAM KUMAR,
S/O.BHASKARAN NAIR, SIVAKRIPA, KAVUVILA LANE,
T.C.9/826-2, VELLAYAMBALAM, JAWAHAR LANE,
SASTHAMANGALAM, THIRUVANANTHAPURAM-695 310**
- 7. BIJU KUMAR,
S/O.BHUVANESWARAN NAIR, KAVUVILA LANE, T.C.9/826,
SASTHAMANGALAM, THIRUVANANTHAPURAM.PIN 695 310**

Cont...2

8. CHIEF MANAGER,
ANDHRA BANK LTD., M.G.ROAD,
THIRUVANANTHAPURAM-695 005.

R5 BY ADV. SRI.R.GOPAN
R 6 TO R8 BY SRI.ABRAHAM MATHEW (VETTOOR)
R1 TO R4 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AD

WP(C).No. 11654 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- COPY OF THE SALE DEED NO.22 OF 2008 DATED 3.1.2008 OF THE
PARASSALA SUB REGISTRAR'S OFFICE.**

**EXHIBIT P2- COPY OF THE APPLICATION IN FORM NO.1 DTD. 3.1.2008 SUBMITTED TO
THE 2ND RESPONDENT.**

EXHIBIT P3-COPY OF THE ENCUMBRANCE CERTIFICATE DTD. 21.11.07.

EXHIBIT P4- THE COPY OF THE ENCUMBRANCE CERTIFICATE DTD. 15.5.2008.

**EXHIBIT P5- COPY OF THE POSSESSION CERTIFICATE DTD. 24.10.08 ISSUED FROM
THE PARASALA PANCHAYAT.**

**EXHIBIT P6- COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 3RD
RESPONDENT DTD. 17.3.2010.**

**EXHIBIT P7- COPY OF THE PETITION DTD. 6.7.2011 FILED BEFORE THE 4TH
RESPONDENT.**

**EXHIBIT P8- COPY OF THE LETTER OF THE APPLICATION DTD. 16.5.2012 SUBMITTED
TO THE CHIEF MINISTER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P.(C).No.11654 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

The petitioner is aggrieved with the non consideration of an application filed for effecting mutation. The petitioner is said to have obtained certain property as per Ext.P1 sale deed on 03.01.2008. Immediately there after, the petitioner applied for mutation as per Ext.P2. It is said that the mutation has not been effected till date for reason of there being orders of attachment in various suits, as has been averred in the writ petition. The respondents 5 to 8 are the plaintiffs in said suits, who despite notice have not appeared.

2. In any event, the pendency of the suits or an attachment order having been effected, on the property need not detain the revenue authorities from carrying out the mutation. Any conveyance made subsequent to the attachment would be subject to the orders of the Civil

Court. The petitioner-the subsequent purchaser would also be liable to concede to such attachment orders to the extent of his interest in such property; if they eventually materialise into a decree in favour of either of the plaintiffs. The mutation of the property as per Ext.P1 title deed cannot in any manner effect such attachments.

3. In such circumstances, the writ petition is allowed directing the 2nd respondent to consider Ext.P2 application, if it is still available in the files or otherwise, the petitioner shall move a fresh application for mutation which should be considered and the payment of tax also be accepted, however, with the endorsement that the attachments in the suits are pending, noticing the specific suits in which such attachments are effected.

The writ petition is allowed with the above reservations.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD