

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 13118 of 2015 (L)

PETITIONER :

REGHU
S/O.MADHAVAN NAIR,
PULLOOR HOUSE, PANDAMANGALAM
KOTTAKKAL P.O., MALAPPURAM DISTRICT.

BY ADV. SRI. A.B. MOHANAKUMAR

RESPONDENT(S) :

1. THE ADDITIONAL TAHSILDAR,
THIRUR – 676 101.
2. THE VILLAGE OFFICER
KOTTAKKAL VILLAGE, KOTTAKKAL,
MALAPPURAM DISTRICT-676 503.
3. JAYAKRISHNAN, AGED 41 YEARS
S/O.KOOTTARANGATHU SAROJINI AMMA, JAYA NIVAS
KALLAMBADI ROAD, UPHILL P.O., MALAPPURAM-676505.

R1 & R2 BY SR. GOVT. PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE PLAINT IN OS NO. 401/2014 DATED 10.11.2014 BEFORE
THE MUNSIFF'S COURT, PARAPPANANGADI.

EXT.P2 COPY OF THE WILL DATED 1.12.2006 EXECUTED IN FAVOUR OF THE
PETITIONER.

EXT.P3 COPY OF THE ORDER NO. D6-562/15 DATED 7-4-2015 BY THE 1ST
RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. Vinod Chandran, J

W.P.(C).No.13118 of 2015-L

Dated this the 11th day of June, 2015

JUDGMENT

The petitioner is aggrieved with Exhibit P3 order passed by the Additional Tahsildar, Thirur.

2. Admittedly there were two Wills executed by one Balachandran, who is now no more. The said Balachandran is said to have executed a Will with respect to a property on 01.12.2006 in the name of the petitioner. Later, on 20.12.2012, the said Balachandran executed another Will with respect to the very same property in favour of the 3rd respondent.

3. The 3rd respondent was before this Court contending that the Revenue officials are dragging their feet and not effecting mutation in accordance with the Will in his favour. By judgment dated 20.12.2014 in W.P.(C) No.35196 of 2014, this Court directed action to be taken on the application for mutation. The petitioner also claims that the petitioner had got himself impleaded and there was a direction to hear him also. To that effect is the recital in the impugned order. The impugned order also indicates the consideration as directed.

4. A reading of Exhibit P3 would indicate that the 1st respondent, Additional Tahsildar, had considered the two Wills and on the ground of execution of a later Will, directed mutation to be effected in favour of the 3rd respondent. If the petitioner has a dispute against the later Will, which he contends is one got executed by fraud, the remedy available to the petitioner is to approach the Civil Court and assert the title and get declared his right in accordance with the Will in his favour. No writ petition under Article 226 would be maintainable. The issue would have to be decided on the basis of the evidence adduced in the Civil proceedings. The reliefs sought are also in effect infructuous, since already an order is passed after consideration of the rival contentions.

The writ petition is dismissed, leaving open the civil remedy available to the petitioner.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]