

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 13338 of 2014 (N)

PETITIONER(S):

**AYSHA PRADEEP
W/O.PRADEEP, MOLAYIL HOUSE, EDATHIRINJI P.O.,
MUKUNDHAPURAM, THRISSUR, KERALA
REPRESENTED BY POWER OF ATTORNEY HOLDER SHEELA PRAKASAN,
AGED 45 YEARS, THANISSERY, MUKUNDAPURAM, THRISSUR.**

BY ADV. SRI.K.A.SREEJITH

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY REVENUE SECRETARY,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001**
- 2. REVENUE DIVISIONAL OFFICER, THRISSUR, THRISSUR - 680 003**
- 3. TAHSILDAR,
MUKUNDHAPURAM THALUK, THALUK OFFICE, IRINJALAKUDA-680 101**
- 4. VILLAGE OFFICER,
EDATHIRINJI VILLAGE, EDATHIRINJI-680 102**

R BY ADV. GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

WP(C).No. 13338 of 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: THE TRUE COPY OF ASSIGNMENT DEED EXECUTED IN FAVOUR OF THE PETITIONER.

EXT.P2: THE TRUE COPY OF ENCUMBRANCE CERTIFICATE REGARDING THE PROPERTY IN QUESTION.

EXT.P3: THE TRUE COPY OF COMMUNICATION TRANSPIRED BETWEEN 3RD AND 4TH ARE RESPONDENTS REGARDING THE PROPERTY IN QUESTION.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P.(C).No.13338 of 2014

Dated this the 11th day of August, 2015

JUDGMENT

The petitioner is aggrieved with the mutation of the petitioner's property in Sy.No.609/3 of Edathirinji village not being effected. The petitioner's application is at Ext.P3, made under the Transfer of Registry Rules, supported by Ext.P1 title deed. The encumbrance certificate of the property is also produced at Ext.P2, wherein it is indicated that, the person in the ownership and possession of the property was one Sri.Sudharkaran who is the vendor in Ext.P1 deed. Ext.P3 has been issued by the additional Tahsildar to the Village Officer to verify the boundaries and also the possession and only then accept the tax.

2. The said objection is explained by the Junior Superintendent of the Taluk Office in the statement filed by the Government. It is submitted in the statement that

one Sri.Surendran raised an objection with respect to the possession of the property and has informed the Village Officer that he has filed O.S.278/2012 before the Sub Court, Irinjalakuda and has obtained an injunction order in I.A.1608/2012. However the next sentence in the statement is that no material was produced to substantiate the claim.

3. In such circumstances, there is absolutely no reason why the mutation shall not be effected as is indicated at Ext.P1 sale deed and Ext.P2 encumbrance certificate. In any event, if any civil suit is pending then definitely the title and possession would be decided as per the judgment and decree passed thereon, and the mere fact that, the petitioner had mutated the property as per the Transfer of Registry Rules and had paid tax could be of no consequence, if the civil court finds against the petitioner.

4. The Village Officer-the 4th respondent is hence directed to effect mutation of the property and also

accept the tax from the petitioner provided no injunction order from a Civil Court, is produced restraining the Village Officer from taking such action.

The writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD