

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 13861 of 2015 (G)

PETITIONER:

**ANTONY, AGED 72 YEARS
S/O.LONAN, RESIDING AT KANJIRATHINKAL (H), THALAYAR.P.O
IDUKKI DISTRICT.**

BY ADV. SRI.N.M.VARGHESE

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM-695001.**
- 3. THE DISTRICT REGISTRAR,
IDUKKI, CIVIL STATION, KUYILIMALA
IDUKKI DISTRICT-685602.**
- 4. THE DISTRICT COLLECTOR,
IDUKKI, COLLECTORATE, KUYILIMALA
IDUKKI DISTRICT-675602.**
- 5. THE TAHSILDAR,
DEVIKULAM TALUK, DEVIKULAM.P.O, IDUKKI DISTRICT,
PIN-685613.**
- 6. THE SUB REGISTRAR,
DEVIKULAM, DEVIKULAM.P.O, PIN-685613.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 PHOTOCOPY OF SALE DEED NO.72/2000 DATED 17.12.1999 OF
SRO,DEVEKULAM,EXECUTED IN FAVOUR OF THE PETITIONER**
- EXT.P2 PHOTOCOPY OF BASIC TAX RECEIPT NO.3842067 DATED 25.6.2014 IN
THANDAPPER NO.443 ISSUED IN THE NAME OF THE PETITIONER BY
THE VILLAGE OFFICER.EXT.P3**
- EXT.P3 PHOTOCOPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT
DATED 14.9.2001**
- EXT.P4 PHOTOCOPY OF LETTER NO.17262/D3/05/RD DATED 10.11.2006
ISSUED BY THE 1ST RESPONDENT**
- EXT.P5 PHOTOCOPY OF COMMUNICATION NO.R.R.3-2477/06 DATED 7/12/2006
ISSUED BY THE 2ND RESPONDENT**
- EXT.P6 A PHOTOCOPY OF COMMUNICATION NO.R.R.3/5715/2006 DATED
19.3.2007 ISSUED BY THE 2ND RESPONDENT TO THE 3RD
RESPONDENT**
- EXT.P7 A PHOTOCOPY OF THIS HON'BLE COURT DATED 29.01.2013 IN W.P(C)
1777 OF 2013.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No. 13861 of 2015

Dated this the 02nd day of June, 2015

J U D G M E N T

The petitioner contends that he wants to sell the property he owns as per Ext.P1 and that the 6th respondent is refusing to register the sale deed on account of Ext.P6 Circular issued by the Government. The petitioner also contends that in fact, there is a judgment of the Division Bench of this Court reported in *Selvam v. State of Kerala* (2010(1) KLT 508) in which the circular at Ext.P6 has been set aside.

2. The learned Government pleader on instruction, submits that the petitioner has not produced the sale deed for registration and that the above writ petition is merely in anticipation of a sale and in anticipation of a rejection being made by the respondent authorities.

3. It is trite that no anticipatory writ will be issued by this Court. On going through the writ petition there is no

averment made as to the fact that a particular purchaser has approached the petitioner and that the sale is imminent.

4. In any event, Ext.P6 circular has been set aside by the earlier Division Bench and the decision is said to have been affirmed by the Hon'ble Supreme Court. No objection hence can be raised on the ground of existence of Ext.P6 Circular.

The said observation alone would be sufficient and the writ petition would stand closed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge