

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. 16268 of 2015 (G)

PETITIONER :

**PARAMESWARAN NAMBOOTHIRI, AGED 79 YEARS,
S/O.PARAMESWARAN OTHICKAN NAMBOOTHIRI @ UNNI OTHICKAN,
THOTTUVAYIKKATTU ILLOM, RESIDING AYYAMBILLY MANA,
EROOR KARA, NADAMA VILLAGE, KANAYANNUR TALUK.**

**BY ADVS.SRI.V.R.KESAVA KAIMAL
SMT.C.DEVIKA RANI KAIMAL**

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
RAMAMANGALAM VILLAGE OFFICE,
RAMAMANGALAM P.O.,PIN-686 663.**
- 2. KUNJUMON, AGED 54 YEARS,
S/O.THEVAN, CHOOOLAKUZHAYIL HOUSE, MEMURY KARA,
MEMURY VILLAGE, MUVATTUPUZHA TALUK - 686 611.**

R1 BY GOVERNMENT 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:**

sts

WP(C).No. 16268 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE CERTIFIED COPY OF THE SALE DEED
 NO.1505/2014 DATED 18.6.2014 OF S.R.O., PIRAVOM.**
- EXT.P-2: TRUE COPY OF THE ENCUMBRANCE CERTIFICATE FOR A PERIOD
 COMMENCING FROM 1.1.2009 AND ENDING WITH 29.4.2015**
- EXT.P-3: TRUE COPY OF THE CLAIM PETITION DATED 25.9.2014 IN
 O.S.NO.45/2014 ON THE FILES OF SUB COURT, MUVATTUPUZHA.**
- EXT.P-4: TRUE COPY OF THE APPLICATION DATED 24.4.2015 SUBMITTED BY
 THE PETITIONER BEFORE THE FIRST RESPONDENT**
- EXT.P-5: TRUE COPY OF THE REPLY DATED 29.4.2015 ISSUED BY THE FIRST
 RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No.16268 of 2015

Dated this the 11th day of June, 2015

J U D G M E N T

The petitioner is aggrieved of the fact that mutation is not being effected with respect to the property he has obtained conveyance by Ext.P1. The petitioner admittedly has obtained conveyance of 2.93 Ares of property comprised in Sy. No.1/3/9 of Ramamangalam Village.

2. The learned Government Pleader, on instructions, submits that mutation has not been effected, since there was an attachment on the extent of property. The learned Counsel for the petitioner would admit that, there was an attachment in O.S No.45/2014, against which the petitioner had approached the Sub Court Muvattupuzha, which is evident from Ext.P3, which is still pending before the Sub Judge. In any event, the attachment made of a property need not deter

the authorities under the Transfer of Registry Rules, 1966 in effecting a mutation, since the attachment would run with the property and the purchaser would have the risk of such attachment surviving on the property even after the transfer, if made prior to the transfer. The decision of this Court reported in Joy Kutty Thomas v. Village Officer [2009(3) KLT 914], though in a different context, would govern the issue herein too. In such circumstance, the respondents are directed to effect mutation of the property and accept tax from the petitioner under the Kerala Land Tax Act, 1961.

The writ petition is allowed. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

The “Survey No. 1/3/9” occurring in the last line of paragraph 1 of the judgment dated 11.06.2015 in W.P(C) No.16268/2015 is corrected and substituted as “Survey No. 619/1/3/9” as per order dated 02/07/2015 in I.A 8965/2015 in W.P(C) No.16268/2015.

Sd/-

Registrar (Judicial)