

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 16551 of 2015 (T)

PETITIONER:

**PRIYANKA FRANCIS, AGED 23 YEARS,
D/O RANI, MENACHERRY HOUSE,
KARUMALLOOR VILLAGE, MANJAPRA,
ERNAKULAM DISTRICT.**

BY ADV. SRI.R.DIVAKARAN.

RESPONDENTS:

- 1. DISTRICT COLLECTOR,
ERNAKULAM DISTRICT,
ERNAKULAM, PIN-682 031.**
- 2. VILLAGE OFFICER,
CHENNAMANGALAM VILLAGE, CHENNAMANGALAM,
PARAVOOR TALUK, ERNAKULAM DISTRICT-682 513.**
- 3. KERALA STATE FINANCIAL ENTERPRISES,
SPECIAL DEPUTY TAHSILDAR,
(RR) MORNING STAR BUILDING, COCHIN-18.**

**R1 & R2 BY GOVT. PLEADER SMT.C.K. SHERIN.
R3 BY ADV. SRI.ALEXANDER.C.V., SC,
ADV. SRI.A.M.ANTONY, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1 A TRUE COPY OF THE SETTLEMENT DEED NO.1357 OF 2013 OF
CHENNAMANGALAM SUB REGISTRY OFFICE DATED 27.06.2013.
- EXT.P2 A TRUE COPY OF THE ATTACHMENT ORDER DATED 04.07.2011 IN
RESPECT TO THE DUES OF JOSEPH.
- EXT.P3 THE TRUE COPY OF THE RELEASING ORDER STD/EKM/5176/
2010-11 DATED 23.03.2013.
- EXT.P4 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER TO THE DISTRICT COLLECTOR DATED 23.06.2014.
- EXT.P5 A TRUE COPY OF THE RECEIPT ISSUED BY THE
DISTRICT COLLECTOR.

RESPONDENTS' EXHIBITS:

NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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W.P.(C) No.16551 of 2015 - T

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Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner is aggrieved by the mutation not being effected with respect to the property he has obtained conveyance by Ext.P1. The petitioner admittedly has obtained conveyance of 2.61 Ares of property out of a total extent of 9.87 Ares owned by the vendors of Ext.P1.

2. The learned Government Pleader, on instructions, submits that the mutation has not been effected, since there was an attachment on the entire extent of property. The learned Counsel for the petitioner would admit that, there was an attachment, which is evident from Ext.P2, which was however released by Ext.P3 order. 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

W.P.(C) No.16551 of 2015 - T

attachment would run with the property and the purchaser would have the risk of such attachment surviving on the property even after the purchase. 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**

SB

// true copy //

P.A to Judge.