

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

W.P.(C).No.16896 of 2015 (J)

PETITIONER(S):-

SMT.SALI JOSEPH, AGED 41 YEARS, D/O.JOSEPH,
KUNNUMPURATH HOUSE, VANIAMPARA HOUSE,
THRISSUR DISTRICT.

BY ADV. SRI.P.R.VENKETESH.

RESPONDENT(S):-

1. THE SUB REGISTRAR, VADAKKENCHERRY,
PALAKKAD DISTRICT - 678 683.
2. TAHSILDAR, ALATHUR, PALAKKAD DISTRICT - 678 541.
3. THE VILLAGE OFFICER, KANNAMBRA I VILLAGE,
VADAKKENCHERY, PALAKKAD DISTRICT - 678 686.

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.16896 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1. TRUE COPY OF THE JUDGMENT REPORTED IN 2013(1)KLT 221
SYNUDHEEN VS. KERALA.
- EXT.P2. TRUE COPY OF THE DOCUMENT NO.2771/2005 DATED 12.7.2005
IN FAVOUR OF THE PETITIONER OF SRO, VADAKKENCHERRY.
- EXT.P3. TRUE COPY OF THE DOCUMENT NO.2772/2005 DATED 12.7.2005
IN FAVOUR OF THE PETITIONER OF SRO, VADAKKENCHERRY.
- EXT.P4. TRUE COPY OF THE BASIC TAX RECEIPT DATED 30.1.2015
ISSUED BY THE VILLAGE OFFICE, ALATHUR IN FAVOUR OF
THE PETITIONER.
- EXT.P5. TRUE COPY OF THE LOCATION CERTIFICATE NO.10433225
DATED 13.2.2015 ISSUED TO THE PETITIONER BY THE GOVERNMENT.
- EXT.P6. TRUE COPY OF THE LOCATION CERTIFICATE NO.10433136
DATED 13.2.2015 ISSUED TO THE PETITIONER BY THE GOVERNMENT.
- EXT.P7. TRUE COPY OF THE JUDGMENT DATED 31.10.2014 IN W.P.(C)
NO.27540 OF 2014 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

/ true copy /

K. Vinod Chandran, J

W.P.(C).No.16896 of 2015-J

Dated this the 05th day of June, 2015

JUDGMENT

The petitioner, who is the title holder of properties, the deeds of which are produced at Exhibits P2 and P3; is aggrieved with the introduction of a notification issued by the Government of Kerala, by which a record of right of the property is absolutely necessary for registering a document. The petitioner also contends that she has entered into an agreement for sale with a third-party and that the petitioner is unable to get registration of the conveyance, since there is discrepancy in the system and the manner in which the records have been uploaded in the system.

2. The notification as such has been quashed by this Court in the decision reported in ***Synudheen v. State of Kerala*** [2013 (1) KLT 221]. It has been declared that, for registration of the document of conveyance, the production of record of right cannot be insisted as a pre-condition.

3. In the above circumstance, if the application for conveyance is produced in accordance with the Registration Act and Rules, then necessarily *de hors* the production of a record of right, the respondent is bound to carry out the registration.

Writ petition allowed.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]