

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 17596 of 2015 (Y)

PETITIONER :

**ANAS AHAMMED KOYA, AGED 36 YEARS,
S/O. AHAMMED KOYA, ANAS MANZIL, SASAM NAGAR,
KAYYALIKKAL CHERI, VADAKKEVILA P.O., ERAVIPURAM,
KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT(S):

- 1. VILLAGE OFFICER, VADAKKEVILA VILLAGE OFFICE,
VADAKKEVILA, KOLLAM - 691 016.**
- 2. THAHSILDAR,
TALUK OFFICE, KOLLAM - 691 016.**
- 3. AUTHORIZED OFFICER,
INDIAN BANK, POLAYATHODU BRANCH,
KOLLAM - 691 016.**

***ADDL.R4 IMPEADED**

***Addl.R4. MANAGER,
SYNDICATE BANK, KOTTARAKKARA BRANCH,
KOLLAM DISTRICT.**

***ADDITIONAL 4TH RESPONDENT IMPEADED AS PER ORDER DATED
27.07.2015 IN IA.NO. 10319/2015.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R3 BY SRI.S.EASWARAN
ADDL.R4 BY ADV. SRI.R.S.KALKURA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 17596 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - A TRUE COPY OF SALE CERTIFICATE DT. 11.2.2015.

**P2 - A TRUE COPY OF APPLICATION FOR MUTATION SUBMITTED BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 17596 of 2015

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Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner approached this Court on account of non effecting mutation in respect of the property covered by Ext.P1.

2. The petitioner purchased the property through auction conducted by the 3rd respondent. The 4th respondent it seems have initiated certain proceedings against the petitioner under the Revenue Recovery Act. It is based on the steps taken by the 4th respondent, revenue officials refused to receive the basic tax in respect of the property.

3. The transfer of registry is for fiscal purposes. It will no way affect the right of creditor, if otherwise if they have any right to proceed against the property. If the 4th respondent is entitled to proceed against the property in accordance with law, he is free to do so. However the revenue officials shall effect the transfer of registry subject to right available to any person against the property under the law.

4. It is made clear that all attachment effected subsequent to the purchase made by the petitioner for the liability of the assignor shall also be removed from the records of the revenue authorities. Hence necessary action shall be taken by the Tahsildar to efface entry relating to the attachment which was made subsequent to the mortgage created in favour of the assignor Bank, the 3rd respondent.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE