

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C) .No. 19461 of 2015 (G)

PETITIONER(S) :

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1. C.T. FRANCIS,
AGED 45 YEARS, S/O.THOMAS,
CHETHIPUZHA HOUSE, P.O.KOORACHUNDU,
KOZHIKODE - 673 527
 2. BINDU FRANCIS,
AGED 39 YEARS, W/O. C.T.FRANCIS,
CHETHIPUZHA HOUSE, P.O. KOORACHUNDU,
KOZHIKODE - 673 527.
 3. RAJALAKSHMI,
AGED 48 YEARS, W/O. M.SASINDRAN,
CHEVIDAMPOYIL HOUSE, P.O. M.M.PARAMBA,
KOZHIKODE - 673 574
 4. M.SASEENDRAN,
AGED 58 YEARS, S/O. DAMODARAKURUP,
CHEVIDAMPOYIL HOUSE,
P.O.M.M. PARAMBA, KOZHIKODE - 673 574.
 5. LAKSHMI SASEENDRAN,
AGED 27 YEARS, D/O. SASEENDRAN,
CHEVIDAMPOYIL HOUSE, P.O.M.M.PARAMBA,
KOZHIKODE - 673 574.
 6. VISHNU C.P.,
AGED 24 YEARS, S/O. M.SASEENDRAN,
CHEVIDAMPOYIL HOUSE,
P.O.M.M PARAMBA, KOZHIKODE - 673 574.
 7. T.P.ABDURAHIMAN,
AGED 44 YEARS, S/O. ABOOBAKAR,
THACHAMPOYIL HOUSE, P.O.THACHAMPOYIL,
KOZHIKODE - 653 573.
 8. SAFIYA T.P.,
AGED 35 YEARS, W/O. T.P.ABDURAHIMAN,
THACHAMPOYIL HOUSE, P.O.THACHAMPOYIL, KOZHIKODE - 653 573.
 9. I.P.ABDULMAJEED,
AGED 44 YEARS, S/O. AYAMMED, ILLAPOYIL HOUSE,
P.O.UNNIKULAM, KOZHIKODE - 653 574.

10. JAMEELA,
AGED 38 YEARS, W/O. I.P.ABDUL MAJEED,
ILLAPOYIL HOUSE, P.O.UNNIKULAM,
KOZHIKODE - 653 574.
11. RIYAS I.P.,
AGED 22 YEARS, S/O. ABDUL MAJEED, ILLAPOYIL HOUSE,
P.O.UNNIKULAM, KOZHIKODE - 653 574.
12. MOHAMMED NAVAS,
AGED 19 YEARS, S/O. I.P.ABDUL MAJEED,
ILLAPOYIL HOUSE, P.O.UNNIKULAM, KOZHIKODE - 653 574.
13. SURESH THOMAS,
AGED 43 YEARS, S/O. THOMAS, SURESH BHAVAN,
P.O.KOFTIPPARA, KOZHIKODE - 673 573.
14. JOSHILA JOHN,
AGED 37 YEARS, S/O. SURESH THOMAS, SURESH BHAVAN,
P.O.KOFTIPPARA, KOZHIKODE - 673 573.
15. P.K.MOHAMMED,
AGED 63 YEARS, S/O. MOIDEENKUTTY HAJI, PARAKKAL HOUSE
P.O.THAMARASSERY, KOZHIKODE - 673 573.
16. P.K.ANWAR,
AGED 35 YEARS, S/O. MOHAMMED, PARAKKAL HOUSE,
P.O.THAMARASSERY, KOZHIKODE - 673 573.
17. P.K.ASHKAR,
AGED 31 YEARS, S/O. MOHAMMED, PARAKKAL HOUSE,
P.O.THAMARASSERY, KOZHIKODE - 673 573.
18. K.M.MOFHEW,
AGED 54 YEARS, S/O. MOFTHEW,
KAKKAKOODUNGAL HOUSE, P.O.NILAMBOOR - 679 330.
19. RAJI MOFHEW,
W/O. K.M.MOFHEW, KAKKAKOODUNGAL HOUSE,
P.O.NILAMBOOR - 679 330.
20. A.ACHUKUTTY NAIR,
AGED 83 YEARS, S/O. RAMAN NAIR, THAMARA MANGALAM HOUSE,
P.O.KARUMALA, KOZHIKODE - 673 612.
21. N.V.ABDUL LOFTHEEF,
AGED 50 YEARS S/O. MOIDEEN, NEELANCHERI VEETIL HOUSE,
P.O.THALAYAD, KOZHIKODE - 673 574.
22. V.V.YOOSUF,
AGED 54 YEARS, S/O. SAIDALAVI, VADAKKE VALAPPIL HOUSE,
P.O.THALAYAD, KOZHIKODE - 673 574.

23. M.A.YOOSUF,
AGED 55 YEARS, S/O. ALIKUTTY, MUPPOFTAMMAL HOUSE,
P.O.THALAYAD, KOZHIKODE - 673 574.
24. P.T.GOPALAN,
AGED 66 YEARS, S/O. AYYAPPAN, PONUMTHORAMMAL HOUSE, ADIVARAM P.O.
25. P.T.BAROFHAN,
AGED 57 YEARS, S/O. AYYAPPAN, PONNUMTHORAMMAL HOUSE,
EMMAMPARAMBA P.O.
26. M.K.RAMABAI,
AGED 49 YEARS, W/O. P.T.BAROFHAN, PONNUMTHORAMMAL HOUSE,
P.O.EMMAMPARAMBA - 673 574.

BY ADV. DR.GEORGE ABRAHAM.

RESPONDENT (S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, TRIVANDRUM.
2. DISTRICT COLLECTOR,
KOZHIKODE.
3. TAHSILDAR,
THAMARASSERY TALUK, CALICUT DISTRICT.
4. THE SUB-REGISTRAR,
SUB REGISTRAR OFFICE, THAMARASSERY, CALICUT DISTRICT.
5. THE SUB REGISTRAR,
SUB REGISTRAR OFFICE, BALUSSERY, CALICUT DISTRICT.
6. THE SUB REGISTRAR,
SUB REGISTRAR OFFICE, CALICUT, CALICUT DISTRICT.

BY GOVERNMENT PLEADER MANOJ P.KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

r/s.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE FTITLE DEED NO. 5034/13 OF S.R.O, THAMARASSERY, IN FAVOUR OF THE 1ST PETITIONER.
- EXT. P2 - TRUE COPY OF DOCUMENT NO. 5250/13 OF S.R.O, THAMARASSERY, IN FAVOUR OF THE 1ST PETITIONER.
- EXT. P3 - TRUE COPY OF THE DOCUMENT NO. 992/13 OF S.R.O, CALICUT, IN FAVOUR OF THE 2ND PETITIONER.
- EXT. P4 - TRUE COPY OF DOCUMENT NO.2/14 OF S.R.O CALICUT, IN FAVOUR OF THE 2ND PETITIONER.
- EXT. P5 - TRUE COPY OF DOCUMENT NO. 2811/13, IN FAVOUR OF THE 2ND PETITIONER.
- EXT. P6 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 3RD PETITIONER.
- EXT. P7 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 3RD PETITIONER.
- EXT. P8 - TRUE COPY OF THE RECEIPT OF LAND TAX IN FAVOUR OF THE 4TH PETITIONER.
- EXT. P9 - TRUE COPIES OF THE RECEIPTS OF TAX IN FAVOUR OF THE 4TH PETITIONER.
- EXT. P10 - COPY OF THE TAX RECEIPT IN FAVOUR OF THE 5TH & 6TH PETITIONERS.
- EXT. P11 - COPIES OF TAX RECEIPT IN FAVOUR OF THE 9TH PETITIONER.
- EXT. P12 - TRUE COPY OF LAND TAX RECEIPT IN FAVOUR OF THE 13TH PETITIONER.
- EXT. P13 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 14TH PETITIONER.
- EXT. P14 - TRUE COPIES OF THE TAX RECEIPT IN FAVOUR OF THE 15TH, 16TH & 17TH PETITIONERS.
- EXT. P15 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 18TH & 19TH PETITIONERS.
- EXT. P16 - TRUE COPY OF THE TAX RECEIT IN FAVOUR OF THE 20TH PETITIONER.
- EXT. P17 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 21ST PETITIONER.
- EXT. P18 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 22ND PETITIONER.
- EXT. P19 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 23RD PETITIONER.
- EXT. P20 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 24TH PETITIONER.
- EXT. P21 - TRUE COPY OF THE TAX RECEIPT IN FAVOUR OF THE 25TH PETITIONER.

EXT. P22 - TRUE COPY OF THE TAX RECEIPT.

EXT. P23 - TRUE COPY OF THE ORDER OF THE TALUK LAND BOARD KOYILANDI.

EXT. P24 - TRUE COPY OF THE COMMUNICATION ISSUED BY THE LAND REVENUE COMMISSIONER DT. 01.3.12.

EXT. P25 - TRUE COPY OF COMMUNICATION DT. 09.10.14.

EXT. P26 - TRUE COPY OF COMMUNICATION DT. 16.9.14.

EXT. P27 - TRUE COPY OF THE JUDGMENT IN WPC NO. 34777/2011.

EXT. P28 - TRUE COPY OF THE JUDGMENT IN WPC NO. 8831/2015.

EXT. P29 - TRUE COPY OF THE ORDER DT. 17.4.15.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.19461 of 2015

Dated this the 8th day of September, 2015

JUDGMENT

Petitioners have approached this Court with the following prayers:

- i) to issue a writ of Mandamus or any other appropriate writ, order or direction, directing the respondents 4 to 6 to permit the petitioners to transfer their immovable properties to persons of their choice.
- ii) to issue a writ of Mandamus or any other appropriate writ, order or direction, directing the respondents to declare that the petitioners are free to transfer their immovable properties, without insisting any permission from the respondents 1 to 3.

2. It is submitted by the learned Government Pleader that no action has been initiated to interdict the petitioners from transferring the land.

In that view of the matter, the petitioners are free to alienate the property in accordance with law. If the petitioners present any instrument for registration, if otherwise satisfies with the formalities under the Registration Law, necessarily, that instrument shall be registered even if the property is an exempted land under the Kerala Land Reforms Act.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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