IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 20739 of 2015 (N)

PETITIONER(S):

1. **AJITH, S/O.RAMACHANDRAN NAIR, AGED 32 YEARS, KRISHNA VILASOM HOUSE, PUNALUR VILLAGE, KOLLAM (DIST)THOLICODE P.O, PIN - 691 333.**

2. **ANITHA, D/O.RAMACHANDRAN NAIR,AGED 32 YEARS, KRISHNA VILASOM HOUSE, PUNALUR VILLAGE, KOLLAM (DIST) THOLICODE P.O, PIN - 691 333.**

BY ADVS.SRI.M.RAJENDRAN NAIR (THONNALLOOR)
SRI.SREEJITH R.NAIR
SRI.A.D.SHAJAN

RESPONDENT(S):

1. **THE DISTRICT COLLECTOR, KOLLAM - 691 001.**

2. **THE CHIEF MANAGER, CANARA BANK, THALICODU P.O, PUNALUR - 691 305.**

3. **THE VILLAGE OFFICER, PUNALUR - 691 305.**

R1 & R3 BY GOVERNMENT PLEADER SMT.C.K.SURESH
R2 BY SRI.PAULY MATHEW MURICKEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 20739 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1 - A TRUE COPY OF THE SALE DEED NO.3438/14 DATED 29.12.2014 OF SUB REGISTRY OFFICE, PUNALUR.

P2 - A TRUE COPY OF THE APPLICATION NO.2320/14 SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

P3 - A TRUE COPY OF THE NOTICE DATED 21.3.2015 SENT BY ADVOCATE MR.G.THANKAPPAN PILLAI TO THE 3RD RESPONDENT.

P4 - A TRUE COPY OF THE LEGAL NOTICE DATED 21.3.2015 ISSUED BY ADVOCATE MR.G.THANKAPPAN PILLAI TO THE SECOND RESPONDENT.

P5 - A TRUE COPY OF THE REPLY NOTICE DATED 26.3.2015 SENT BY THE 3RD RESPONDENT TO ADVOCATE MR. G.THANKAPPAN PILLAI.

P6 - A TRUE COPY OF THE RECEIPT DATED 7.4.2015 NO.14038 ISSUED BY 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

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W.P(C) No. 20739 of 2015

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Dated this the 09th day of July, 2015

J U D G M E N T

The petitioners are aggrieved by the mutation not being effected with respect to the property, they obtained conveyance by 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. In any event, the attachment made of a property need not deter the authorities under the Transfer of Registry Rules, 1966 in effecting 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 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)

jma //true copy//

P.A to Judge