

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 23644 of 2013 (E)

PETITIONER(S) :

SOCIAL ADVANCEMENT FOUNDATION OF INDIA (SAFI),
RASIYA NAGAR, VAZHAYOOR EAST P.O., MALAPPURAM DISTRICT,
PIN - 673 633,
REPRESENTED BY ITS GENERAL SECRETARY C.H.ABDUL RAHIM.

BY ADVS.SRI.P.B.KRISHNAN
SRI.SABU GEORGE
SRI.P.M.NEELAKANDAN

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
REGISTRATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
2. INSPECTOR GENERAL OF REGISTRATION,
OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION,
VANCHIYOOR, THIRUVANANTHAPURAM, PIN - 695 001.
3. SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, VAZHAKKAD, ERANAD,
MALAPPURAM, PIN - 673 640.
4. MUHAMMED,
AGED 61 YEARS,
S/O.KUTTIHASSAN HAJI, KALLARAKALATTUMMEL, AROOR DESOM,
OLAVATTOOR AMSOM, OLAVATTOOR P.O., ERANAD,
MALAPPURAM, PIN - 673 638.
5. CHERUKAVU LAND DEVELOPMENT PVT. LTD.,
REG.NO.U.70102KL2002PTCO15819,
REPRESENTED BY ITS DIRECTOR KUNHI MOHAMMED,
S/O.K.C.ABDUL HAJI, ROSE VILLA,
ALATHOOR, KOZHIKODE, PIN - 673 303.

R5 BY ADV. SRI.NIDHI BALACHANDRAN
R4 BY ADV. SRI.L.RAJESH NARAYAN
BY GOVERNMENT PLEADER SRI.JIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE AGREEMENT FOR SALE DATED 09.07.2013.

EXHIBIT P2. TRUE COPY OF THE POWER OF ATTORNEY DATED 09.07.2003.

EXHIBIT P3. TRUE COPY OF THE SALE DEED ATED 06.05.2013.

EXHIBIT P4. TRUE COPY OF THE ENTRY IN BOOK NO.2 REGARDING THE REASON FOR
REFUSAL OF REGISTRATION ISSUED FROM THE OFFICE OF RESPONDENT
NO.3.

EXHIBIT P5. TRUE COPY OF THE LETTER DATED 09.05.2007 ISSUED BY RESPONDENT
NO.2.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.23644 of 2013

Dated this the 29th day of September, 2015

JUDGMENT

The petitioner is a Trust. They presented a document for registration through a power of attorney holder. The power of attorney was executed in the year 2003. The document was presented for registration in the year 2013. The registering authority refused to register the document for want of compliance of Rule 30A of the Registration Rules(Kerala).

2. Rule 30A of the Registration Rules was introduced in the year 2007. By the above Rules, every document for registration shall be affixed with passport size photograph/photographs and impression/impressions of the left thumb of every person presenting the documents. Therefore, in the absence of the photographs and thump impression of the seller, the registering authority refused to register the document.

3. Learned counsel for the petitioner would argue that the power of attorney was executed in the year 2003 and therefore, the petitioner is not bound by mandate of Rule 30A of the Rules, which came into exist in the year 2007.

4. On the other hand, the learned Government Pleader submits that the buyer and seller have to affix their photographs and thumb impressions in the documents and also of the power of attorney holder. It is a mandate of Section 32A of the Registration Act and Rule 30A of the Registration Rules. It is to be noted that the document was presented in the year 2013. Therefore, this Court is of the view that law at the time of registration would apply. The petitioner has no vested right for registration based on date of execution and would depend upon law on the date of registration.

Therefore, the petitioner shall affix photographs and thumb impression of the seller, buyer and power of attorney holder, the same shall be registered in accordance with law as though the document was presented in the year 2013, if the petitioner represent the document within two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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