

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 21567 of 2015 (U)

PETITIONER:

**SAJU SKARIA, AGED 64 YEARS,
S/O.SKARIA, MYAYILPUTHANPURAYIL,
PULINTHANAM.P.O., MUVATTUPUZHA - 686 671.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND
SRI.ASHWIN SETHUMADHAVAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY,
REVENUE (P) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR, IDUKKI, CIVIL STATION,
PAINAVU.P.O., IDUKKI, STATE HIGHWAY 43,
KERALA - 685 603.**
- 3. THE TAHSILDAR, UDUMBANCHOLA,
UDUMBANCHOLA TALUK OFFICE,
NEDUNKANDAM.P.O., NEDUNKANDAM, IDUKKI - 685 553.**
- 4. THE SPECIAL TAHSILDAR (LA),
OFFICE OF THE SPECIAL TAHSILDAR,
RAJAKUMARI, IDUKKI - 685 619.**
- 5. THE VILLAGE OFFICER, CHINNAKANAL VILLAGE,
IDUKKI - 685 618.**

BY SPECIAL GOVT. PLEADER(REVENUE) SMT.SUSHEELA R.BHAT

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

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE PHOTOCOPY OF THE SALE DEED NO.234/2007 DATED 1.2.2007.
- EXT. P2 : A TRUE COPY OF THE PHOTOCOPY OF THE PATTA NO.LA 11/2000/CHN DATED 28.6.2000 ISSUED TO THE 2ND PETITIONER.
- EXT. P3 : A TRUE COPY OF THE APPLICATION FORM FOR MUTATION OF PROPERTY OWNED BY THE PETITIONER.
- EXT. P4 : COPY OF THE JUDGMENT DATED 17.7.14 IN WPC.14000/2014 OF THIS HONOURABLE COURT.
- EXT. P5 : COPY OF THE JUDGMENT DATED 18.11.2013 IN WPC.21203/2013 OF THIS HONOURABLE COURT.
- EXT. P6 : COPY OF JUDGMENT DATED 20.1.2015 IN WPC.33418 OF 2014 OF THIS HONOURABLE COURT.
- EXT. P7 : COPY OF JUDGMENT DATED 8.4.2015 IN WPC.9524 OF 2015 OF THIS HONOURABLE COURT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.21567 of 2015

Dated this the 7th day of September, 2015.

J U D G M E N T

The petitioner approached this Court on account of non acceptance of application for mutation of his property.

2. It appears that officials are conducting enquiry as to the veracity of the title of assignment of the petitioner and on account of non-conclusion of the proceedings, they refused to accept the application for mutation.

3. This Court is of the view that, mutation shall be effected subject to right to proceed against the property based on enquiry initiated by the respondents herein. Therefore, it is made clear that effecting mutation will not obviate the right of respondents to proceed against the property, if the assignor or his predecessor in interest has no title in respect of the property. Needful shall be done within a period of 1 month of receipt of copy of this judgment.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge