

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 23121 of 2015 (M)

PETITIONER(S) :

**BHAVA KHAN, AGED 71 YEARS,
S/O.KOCHU HAMEED, NOW RESIDING AT KALASSERIL,
VELUTHEDATHU, TRIPUNITHURA, NADAMA VILLAGE,
KANAYANNOOR TALUK, PIN- 682 301.**

**BY ADVS.SRI.T.B.THANKAPPAN
SRI.T.T.HARIKUMAR
SRI.ASHISH VIDYADHARAN**

RESPONDENT(S) :

- 1. VILLAGE OFFICER,
KUREEKAD, CHOTTANIKKARA, PIN- 682 312.**
- 2. THE TAHSILDAR,
KANAYANNOOR, PIN- 682 312.**
- 3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE REVENUE
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM, PIN- 695 001.**

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF TITLE DEED NO.2596 /81 OF THE SRO ,
MULAMTHURUTHY IN THE NAME OF THE PETITIONER.
- P2: TRUE COPY OF PATTAYAM NO. 294 DATED 27-05-1971 ISSUED BY
THE TAHSILDAR, KANAYANNOOR.
- P3: TRUE COPY OF AGE CERTIFICATE NO. A2-362 /90 DATED 24-04-1993
ISSUED BY THE SPECIAL GRADE EXECUTIVE OFFICER, CHOTTANIKKARA
PANCHAYATH.
- P4: TRUE COPY OF OWNERSHIP CERTIFICATE NO.A2-339/93
DATED 18-06-1993 ISSUED BY THE SPECIAL GRADE EXECUTIVE
OFFICER, CHOTTANIKKARA PANCHAYATH.
- P5: TRUE COPY OF BASIC TAX RECEIPT NO. 68 DATED 13-01-1984 OF
THE VILLAGE OFFICE KUREEKAD.
- P6: TRUE COPY OF BASIC TAX RECEIPT NO.48 DATED 30-12-1991.
- P7: CERTIFICATE NO. C.K.DIS.15185/91/C6 DATED 31-12-1991 ISSUED BY
THE TAHSILDAR, KANAYANNOOR TO THE PETITIONER.
- P8: TRUE COPY OF THE ORDER NO.C1-3112/92 DATED 11-05-1992 PASSED BY
THE TAHSILDAR, KANAYANNOOR.
- P9: TRUE COPY OF THE ORDER DATED 24-12-2003 OF RE-SURVEY
SUPERINTENDENT OFFICE, TRIPUNITHURA PASSED IN THE SURVEY
ADALATH.
- P10: TRUE COPY OF THE JUDGMENT DATED 12-10-2012 IN W.P.(C)21365/2012.
- P11: TRUE COPY OF THE LETTER DATED 19-12-2012 ISSUED BY
THE PETITIONER TO THE TAHSILDAR KANAYANNOOR.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 23121 of 2015

Dated this the 2nd November, 2015

JUDGMENT

The petitioner has approached this Court on account of the delay in effecting mutation on the strength of Exhibit P1 assignment deed executed based on Exhibit P2 patta.

2. The learned Government Pleader, on instructions, submits that the land in question is entered as puramboke land in BTR and therefore the Revenue officials are unable to effect transfer of Registry.

This Court is of the view that the second respondent shall identify the property as per Exhibit P1 with reference to Exhibit P2 patta. This shall be done within two months from the date of receipt of a copy of this judgment. Thereafter transfer of Registry shall be effected based on the outcome of the identification, if the land in question is clearly covered by Exhibit P2 patta. After the mutation is effected, possession certificate shall be issued to the petitioner and basic tax shall also be accepted.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs3/11/15