

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 23649 of 2015 (E)

PETITIONER :

PRASANNA @ PRASANNA KUMARI, AGED 51 YEARS,
W/O.SUDHEER, VAZHAPARAMBIL HOUSE, C.C.NO.30/1528,
PUNNURUNNI DESOM, VYTILLA, POONITHURA VILLAGE,
COCHIN.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. THE STATE OF KERALA, REP. BY THE SECRETARY TO THE GOVT.,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE TAHASILDAR, TALUK OFFICE, KANNAYANNUR TALUK OFFICE,
COCHIN - 682 001.
3. JALAJA, AGED 60, W/O.RAJAN, PANAKKATTAMPILLY HOUSE,
THAMMANAM P.O., COCHIN - 32.
4. VIDHYADHARAN, S/O.LATEE RADHA, THANATHUPARAMBIL HOUSE,
NARAYANASAN ROAD, PUNNURUNI, VYTILLA P.O.,
COCHIN - 682 001.
5. VANAJA, AGED 56, W/O.SURESH, KALARICKAL HOUSE,
MOHAMMEDKUTTY MASTER ROAD, PUNNURUNNI, VYTILLA P.O.,
COCHIN - 32.
6. KANNAN, AGED 49, S/O.RADHA,
THANATHUPARAMBIL HOUSE, NARAYANASAN ROAD,
PUNNURUNNI, VYTILLA P.O., COCHIN - 682 001.

R1 & R2 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R3 TO R6 BY ADVS. SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA
SRI.KRISHOB K.NAIR
SRI.T.KABIL CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

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| P1 | A TRUE COPY OF THE SETTLEMENT DEED EXECUTED BY THE LATE MOTHER OF THE PETITIONER DATED 18.5.2010 OF THE MARADU S R O. |
| P2 | A TRUE COPY OF THE PLAINT IN O.S.NO.878 OF 2015 ON THE FILE OF THE MUNSIF COURT, ERNAKULAM DATED 14.7.2015 |
| P3 | A TRUE COPY OF THE NOTICE ISSUED BY THE SECOND RESPONDENT DATED 23.7.2015. |

NIL

/TRUE COPY/

P.S.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P(C)No. 23649 of 2015

Dated this the 6th day of October, 2015

J U D G M E N T

Petitioner challenges the notice issued by the Additional Tahsildar for enquiry relating to transfer of registry. Ext.P3 notice stated that since there is a dispute regarding the will, it is necessary to hear the legal heirs of Radha.

2. This Court is of the view that the petitioner has to appear before the Additional Tahsildar and raise objections to Ext.P3. Certainly the validity of the will cannot be decided by the additional Tahsildar. It is submitted by the learned counsel for the petitioner that the suit is pending before the civil court. Therefore, without making any observation with regard to the validity of the title deeds made by the parties, appropriate decision shall be taken on Ext.P3, with notice, by the Additional Tahsildar, after hearing the petitioner as well as the party respondents.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO. 23649 OF 2015

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