

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 26777 of 2013 (V)

PETITIONER :

**DR.S.VIJAYAN, SON OF SUBRAMONIAN,
RESIDING AT PATTAYIL VEEDU (SANTHOSH BHAVAN),
EDAMON P.O., PATHANAPURAM TALUK, KLLAM DISTRICT,
PIN-691 307.**

BY ADV. SRI.A.B.MOHANAKUMAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU, PMG JUNCTION,
THIRUVANANTHAPURAM, PIN-695 033.**
- 3. THE REVENUE DIVISIONAL OFFICER,
CIVIL STATION, KOLLAM, PIN-691 013.**
- 4. TAHSILDAR,
PATHANAPURAM, TALUK OFFICE, PUNALUR,
PIN-691 305.**
- 5. THE VILLAGE OFFICER,
ANCHAL VILLAGE, ANCHAL P.O., PIN-691 306.**
- 6. VASANTHAKUMARI, D/O.MANDAKINI,
KOYIKKELAZHIKATHU VEEDU, MARKET JUCTION,
ANCHAL, PIN-691 306.**

**R1 TO R5 BY GOVERNMENT PLEADER SMT. C.K.SHERIN
R6 BY ADV. SRI.AJAYA KUMAR. G**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 :** TRUE COPY OF THE SALE DEED NUMBER 1595 DT. 11-5-1999 OF THE PUNALUR SUB REGISTRAR OFFICE IN FAVOUR OF THE PETITIONER.
- EXHIBIT P2 :** TRUE COPY OF THE TAX RECEIPT DT. 28-7-1999 ISSUED FROM VILLAGE OFFICE, ANCHAL WITH REGARD TO THE REGISTERED PORTION OF THE PROPERTY COVERED BY EXHIBIT P1.
- EXHIBIT P3 :** TRUE COPY OF THE POSSESSION CERTIFICATE DT. 19-1-2000 ISSUED FROM VILLAGE OFFICE, ANCHAL WITH REGARD TO THE REGISTERED PORTION OF THE PROPERTY COVERED BY EXHIBIT P1.
- EXHIBIT P4 :** TRUE COPY OF THE REPLY FROM THE DIRECTOR OF VIGILANCE AND ANTI CORRUPTION BUREAU TO APPLICATION DT. 21-10-2011 SUBMITTED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.
- EXHIBIT P5 :** TRUE COPY OF THE REPLY FROM THE DIRECTOR OF VIGILANCE AND ANTI CORRUPTION BUREAU TO APPLICATIONS DT. 9-11-2011 SUBMITTED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.
- EXHIBIT P6 :** TRUE COPY OF THE LAST TAX RECEIPT ISSUED DT. 16-10-2002 WITH RESPECT TO THE PETITIONER'S PROPERTY AS PER EXHIBIT P1.
- EXHIBIT P7:** TRUE COPY OF THE LETTER NO.12006/E 1 /2014/VIGI DATED 19/01/2015 ISSUED BY THE VIGILANCE DEPARTMENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

- EXHIBIT R6(A):** COPY OF THE PETITION FILED BY THE 6TH RESPONDENT BEFORE THE RDO KOLLAM DATED 2/7/2003
- EXHIBIT R6(B):** COPY OF THE ORDER NO.J. 5119/03 DATED 31/1/2007 OF THE THIRD RESPONDENT
- EXHIBIT R6(C):** COPY OF THE ORDER NUMBER B7.5381/2007 DATED 4/7/2007 OF THE FOURTH RESPONDENT

/TRUE COPY/

P.A.TO JUDGE

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 26777 of 2013

Dated this the 13th day of November, 2015

JUDGMENT

The petitioner approached this Court alleging that Revenue Officials refused to effect transfer of registry in respect of the property comprised in Survey No.31/4 of Anchal Village of Pathanapuram Taluk, in his favour. The petitioner claims his title based on Ext.P1 sale deed.

2. It has been pointed out by the party respondents that the transfer of registry, in fact, was originally effected in favour of the petitioner by the Tahsildar. Thereafter, it was cancelled by the Revenue Officials at the instance of the party respondents. Ext.R6(b) is the order. It is submitted by the party respondents that Ext.R6(b) has become final as there is no challenge against this order.

3. This Court is of the view that if there is any dispute regarding the title or interest in respect of the property, the petitioner is free to approach the Civil Court and based on the outcome of the Civil Court, the Revenue Officials can take appropriate decision to effect the transfer of registry.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

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