

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 25255 of 2015 (F)

PETITIONER(S):

1. JOSEPH, AGED 53 YEARS,
S/O.ANTONY, PUTHIYAVEETIL HOUSE, GOTHURUTH,
CHENNAMANGALAM VILLAGE, ERNAKULAM DISTRICT.
2. VALSA, AGED 48 YEARS,
W/O.JOSEPH, PUTHIYAVEETIL HOUSE, GOTHURUTH,
CHENNAMANGALAM VILLAGE, ERNAKULAM DISTRICT.

BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA
SRI.T.KABIL CHANDRAN
SRI.KRISHOB K.NAIR

RESPONDENT(S):

1. DISTRICT COLLECTOR,
ERNAKULAM-682030.
2. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, NORTH PARAVUR-683513.
3. THE VILLAGE OFFICER,
CHENNAMANGALAM-683512.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

WP(C).No. 25255 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE REGISTERED SALE DEED BEARING NO.2045/93.

EXT.P2. TRUE COPY OF THE TAX RECEIPT

**EXT.P3. TRUE COPY OF THE REGISTERED DOCUMENT NO.2046/1993 OF
CHENNAMANGLAM SRO.**

**EXT.P4. TRUE COPY OF THE REGISTERED SALE DEED BEARING NO.30/2001 OF
CHENNAMANGALAM SRO.**

EXT.P5. TRUE COPY OF THE REQUEST

EXT.P6. TRUE COPY OF THE ORDER

EXT.P7. TRUE COPY OF THE RECOMMENDATION OF THE VILLAGE OFFICER

EXT.P8. TRUE COPY OF THE LETTER DATED 31/7/2014.

EXT.9. TRUE COPY OF THE PLAINT IN OS 1040/2014.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

WP.(C) No.25255 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

Petitioners purchased the properties situated in Re-survey No.58/8, Block No.4 of Chennamangalam Village vide document No.30/2001. The petitioners trace out title to the property by virtue of patta bearing No.702/91. The petitioners have approached this Court on account of delay in effecting mutation.

2. The petitioners refer to Ext.P6 issued by the Additional Tahsildar. It is stated in Ext.P6 that the file relating to patta bearing No.702/91 is not traceable and based on the recovery of the file and after identifying the property, the transfer of registry will be effected. It is further noted in Ext.P6 that this land is known as puramboke land.

This Court is of the view that the second respondent shall make every endeavour to trace out the file and identify the property. This shall be done within three months from the date of receipt of a copy of this judgment. If the files are not traceable,

based on the available records, transfer of registry shall be effected in favour of the petitioners without prejudice to the right of the respondents to find out whether this is a puramboke land or assigned land as per Patta.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In