

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(C).No. 28140 of 2013 (N)

PETITIONER :

**KOLOTH PARAMBIL ALAVI,
S/O. MOIDEEKUTTY, AGED 52 YEARS
KOLOTH PARAMBIL HOUSE, MOSCOW
POST IRIMBILIYAM, VIA. VALANCHERRY,
MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM, COLLECTORATE,
POST MALAPPURAM, PIN – 676505.**
- 2. THE TAHSILDAR,
TIRUR TALUK, POST TIRUR,
MALAPPURAM DISTRICT, PIN- 676101**
- 3. THE VILLAGE OFFICER,
IRIMBILIYAM VILLAGE OFFICE, POST IRIMBILIYAM
TIRUR TALUK, MALAPPURAM DISTRICT, PIN- 679572.**
- 4. ABBAS P.V.,
S/O. MOHAMMED, AGED 42 YRS.,
PANDARAVALLAPIL HOUSE, THOZHUVANNOOR P.O.,
MALAPPURAM DISTRICT, PIN- 676552.**
- 5. V. MOHAMMED,
S/O. MOIDUTTY, AGED 41 YRS.,
VILAKKATHU HOUSE, EDAYOOR P.O.,
MALAPPURAM DISTRICT, PIN-676552.**

6. SIRAJ FAIZAL,
S/O. KOLLADATHIL MUHAMMED, AGED 40 YRS., KOLLADATHIL HOUSE
POST VALANCHERRY, MALAPPURAM DISTRICT, PIN – 676552.
7. FIROZ KHAN,
S/O. KOYAMMU, AGED 37 YRS.,
PARAVAKKAL HOUSE, POST VALANCHERRY
MALAPPURAM DISTRICT, PIN- 676552.
8. PALLIKKARA MOIDEENKUTTY,
S/O. KUNJALAN, PALLIKKARA HOUSE, POST VALANCHERRY
MALAPPURAM DISTRICT, PIN- 676 552.
9. PALLIKKARA KUNJALAN,
S/O. KOYAMMU, PALLIKKARA HOUSE, POST VALANCHERRY
MALAPPURAM DISTRICT, PIN- 676 552.

R1 TO R3 BY SPL. GOVT. PLEADER SRI.P.K.SOYUZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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...3/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 TRUE COPY OF DOCUMENT NO. 4255/2012 DATED 03-08-2012 OF S.R.O., VALANCHERRY.
- EXHIBIT P2 TRUE COPY OF DOCUMENT NO. 4465/2012 DATED 25-09-2012 OF S.R.O., VALANCHERRY.
- EXHIBIT P3 TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 01-07-1962.
- EXHIBIT P4 TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 17-04-1965.
- EXHIBIT P5 TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 01-07-1962.
- EXHIBIT P6 TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 17-04-1965.
- EXHIBIT P7 TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 27-01-1967.
- EXHIBIT P8 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 26-11-2012 ISSUED BY S.R.O., KUTTIPPURAM IN FAVOUR OF THE PROPERTY COVERED BY EXT. P1 DOCUMENT.
- EXHIBIT P9 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 26-11-2012 ISSUED BY S.R.O., KUTTIPPURAM IN FAVOUR OF THE PROPERTY COVERED BY EXT. P1 DOCUMENT.
- EXHIBIT P10 TRUE COPY OF THE REPRESENTATION FILED BY M. MURALEEDHARAN BEFORE THE 2ND RESPONDENT DATED 21-11-2011.
- EXHIBIT P11 TRUE COPY OF THE JUDGMENT IN WP(C) NO. 12151/2013 DATED 20-05-2013 OF THIS HON'BLE COURT.
- EXHIBIT P12 TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 03-06-2013.

(Contd...)

WP(C).No. 28140 of 2013 (N)

**EXHIBIT P13 TRUE COPY OF THE JUDGMENT IN R.P NO. 507/2013 DATED 26-06-2013
IN WP(C) NO. 12151/2013.**

**EXHIBIT P14 TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT
DATED 09-07-2013.**

**EXHIBIT P15 A TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DATED 28-10-2013 .**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P(C)No.28140 of 2013

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Dated this the 14th day of December, 2015

JUDGMENT

Petitioner approached the Village Officer, Irimbiliyam Village Office for effecting Transfer of Registry in respect of the property conveyed to him as per Exts.P1 and P2.

2. The request has been turned down by the Village Officer by a detailed order stating that what is obtained by the petitioner is a 'Kaanam' right and he has no ownership over the property, therefore, Transfer of Registry cannot be effected.

3. Transfer of Registry is for fiscal purposes. It will no way would affect the right of any third party. Even in respect of possessory right, Transfer of Registry can be effected. Therefore, there is no impediment in law for effecting Transfer of Registry in favour of the petitioner even if it reflect the possessory right of the petitioner and not otherwise. Whether petitioner has obtained full fledged right or possessory right alone need not be subjected to an enquiry under Transfer of Registry Rules. Whatever be the nomenclature of the documents,

the right that will inure to the petitioner is the only right held by the transferor. Therefore, based on Exts.P1 and P2 Transfer of Registry shall be effected on the petitioner subject to right of any third person to question the nature of interest developed upon petitioner. Needful shall be done within one month from the date of receipt of a copy of this judgment. The impugned order is set aside.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

vdv/16/12/15