

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. 27156 of 2015 (T)

PETITIONER :

**V.P.ANTONY,
S/O.PAILYKUTTY, AGED 67 YEARS,
VELLASSERY HOUSE, MANJUMMEL,
ERNAKULAM.**

**BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO**

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. DISTRICT COLLECTOR, ERNAKULAM- 682 030.**
- 3. TAHSILDAR, TALUK OFFICE,
KANAYANNUR, ERNAKULAM -682 312.**
- 4. VILLAGE OFFICER,
KADAMAKUDY VILLAGE OFFICE -682 037.**

BY GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 27156 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE PATTA DATED 18.6.2010 ISSUED TO THE PETITIONER**
- P2 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
DATED 8.10.2014**
- P3 - TRUE COPY OF THE REPORT OF THE 4TH RESPONDENT DATED 26.12.2014**
- P4 - TRUE COPY OF THE REPORT OF THE 3RD RESPONDENT DATED 12.1.2015**
- P5 - TRUE COPY OF THE ORDER DATED 6.3.2015**
- P6 - TRUE COPY OF THE SALE DEED BEARING NO.5207/2014 DATED 12.12.2014**
- P7 - TRUE COPY OF THE ORDER DATED 14.3.2011**
- P8 - TRUE COPY OF THE G.O.(P) NO.425/2014 DATED 30/9/2014.**

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. 27156 of 2015

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Dated this the 6th day of October, 2015

J U D G M E N T

The petitioner has been assigned a land referred in Ext.P1 patta in the year 2010. In patta clause No.3 restrict alienation for a period of 20 years from the date of registry.

2. The patta was issued in accordance with the Assignment Rules existing at that time. The petitioner now relies upon amended Kerala Assignment Rules 2014. As per the Rule 8(2), restriction regarding alienation for a period of 25 years has been taken away and it has been substituted that it can be alienated. The petitioner therefore seeks a direction that he may be permitted to alienate the land covered by Ext.P1 in accordance with the amended provisions.

3. This Court is of the view that the Tahsildar shall make necessary endorsement in the patta in the light of amended rules. Needful shall be done within a period of one month from the date of receipt of the copy of this judgment. In view of the above the

rejection of the request made by the District Collector as per Ext.P5 is set aside.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE