

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 28227 of 2015 (C)

PETITIONER(S):

**K.T.USUF, S/O.MOHAMMED, AGED 55 YEARS,
KALATHATHODUVIL HOUSE, POST PONMUNDAM,
TIRUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN**

RESPONDENT(S):

- 1. THE DISTRICT REGISTRAR, MALAPPURAM,
POST MALAPPURAM, PIN - 676505.**
- 2. THE SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, TANUR, POST TANUR,
MALAPPURAM DISTRICT, PIN - 676302.**
- 3. THE LOCAL LEVEL COMMITTEE,
MALAPPURAM DISTRICT, DISTRICT COLLECTORATE,
POST MALAPPURAM, PIN - 676505,
REPRESENTED BY ITS CHAIRMAN.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 28227 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1: THE TRUE COPY OF THE PARTITION DEED EXECUTED BETWEEN THE
PETITIONER AND OTHERS DATED 11.09.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.28227/2015

Dated this the 29th Day of September, 2015

J U D G M E N T

The petitioner's brother Sakeer and sister Sakeena are mentally disabled persons. The petitioner along with others executed a partition deed. In the deed the mentally disabled persons are also party. In the partition deed, Sakeer is represented by the petitioner and Sakeena is represented by her husband as their guardian.

2. The Registering Authority insisted for production of a court order for registration of the partition deed.

3. In the partition deed, no transfer is involved, only rights of the parties over the property are involved. The validity of the partition deed would depend upon the *bona fides* of the parties to the deed. The Registering Authority need not look into the validity of the partition deed, if the deed otherwise conforms with the Registration Act and Rules, without insistence of court order, the document shall be registered. However, before registration, the petitioner shall produce necessary documents before the Registrar to show that the persons referred as above are mentally disabled.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

ms