

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYASHTA, 1937

WP(C).No. 31791 of 2011 (Y)

PETITIONER :

**KAZHUNGUMVALLI SARADA,AGED 73 YEARS,
KARALAMMAL HOUSE, P.O. MUTHIYANGA,
PIN - 670 671., PATTIYAM AMSOM, MUTHIYANGAZ DESOM,
THALASSERY TALUK.**

**BY ADVS.SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL**

RESPONDENTS :

- 1. THE SUB REGISTRAR,KUTHUPARAMBA
KUTHUPARAMBA, P.O., KUTHUPARAMBA, PIN - 670 643.**
- 2. THE SECRETARY TO THE GOVERNMENT,
REGISTRATION DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.**

R1 & R2 BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE DHANANISCHAYA ADHARAM DATED 07/09/2011
EXECUTED BY THE PETITIONER IN FAVOUR OF RAMA.

EXHIBIT-P1(A)-TRUE COPY OF THE -DO- IN FAVOUR OF LALITHA

EXHIBIT-P1(B)-TRUE COPY OF THE -DO- IN FAVOUR OF NANU

EXHIBIT-P2- TRUE COPY OF THE ORDER DATED 07/09/2011

EXHIBIT-P2(A)- TRUE COPY OF THE ORDER DATED 14/07/2011

EXHIBIT-P2(B)- TRUE COPY OF THE ORDER DATED 23/09/2011

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J.

W.P(C). No.31791 of 2011

Dated this the 19th day of June, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the Registrar has asked for proof of title to register Ext.P1 series of deeds. The petitioner by Ext.P1 series, settled some properties on her children and the recital shows that she obtained such property and is in possession of the same on the basis of an oral lease. The petitioner, on presenting the deed for registration, was required to produce proof of her right over the property by Ext.P2 series orders. The contention of the petitioner is that, the Sub-Registrar could either decline registration or register the document and there is no question of proof to be sought for, since the Registrar would not be competent to go into the title of the Vendor. The petitioner also relies on the decision reported in **Sarojini v. State of Kerala [2015 (1) KLT 718]** and **AIR**

2002 Kerala 128 [K. Eshaque v. Sub-Registrar Kozhikode and another]., As rightly contended by the learned counsel the petitioner, the Registrar has to either reject the registration or permit registration, as long as the documents as mandated in the Registration Act, 1908 are produced. Without going into the merits of the matter, Exts.P2 series orders are set aside

The petitioner shall appear before the Registrar and produce the documents, upon which, the Registrar shall take appropriate steps and pass orders looking into the aforecited decisions, copies of which shall be produced by the petitioner before the Registrar. The Registrar shall pass orders on the same within a period of one month from the date of presentation of the document.

The writ petition is disposed of. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp