

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 31695 of 2013 (J)

PETITIONER(S) :

**VIJAYAMMA, AGED 57 YEARS,
W/O.NARAYANAN NAIR, SREE NILAYAM,
VALLIKODE MURI & VILLAGE, FROM SIVAGIRIYIL VEEDU,
MYLAPRA, KOZHENCHERRY TALUK.**

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT(S) :

- 1. ADDITIONAL TAHSILDAR,
TALUK OFFICE, KOZHENCHERRY, PIN-689 641.**
- 2. VILLAGE OFFICER,
VILLAGE OFFICE, MYLAPRA, PIN-689 671.**

BY SR.GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: PHOTOCOPY OF THE FINAL DECREE DATED 18.07.2008 IN O.S.NO.317 OF 2001
PASSED BY THE MUNSIFF'S COURT, PATHANAMTHITTA.**
- P2: PHOTOCOPY OF THE EXECUTION REPORT SUBMITTED BY THE COURT AMIN
IN E.P.NO.24 OF 2009.**
- P3: PHOTOCOPY OF THE APPLICATION DATED 26.11.2012 SUBMITTED BY
THE PETITIONER AND HER YOUNGER DAUGHTER,**
- P4: PHOTOCOPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT BEFORE
THE LEGAL SERVICE AUTHORITY.**
- P5: PHOTOCOPY OF THE LEGAL OPINION FROM THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 31695 OF 2013
.....

Dated this the 3rd February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to mutate the property in favour of the petitioner against their application as P.V.No.177/2013;

ii) grant such other reliefs as this Hon'ble Court deems fit and proper in the circumstances of this case including the cost of this writ petition(Civil)."

2. The learned Counsel for the petitioner submits with reference to the sequence of events that the properties of various extents comprised in Sy.Nos. 563/11 A, 11 B, 569/2013, 569/12, 81/13A, 581/13A2 of Mylapra Village, Kozhencherry Taluk came to the hands of the petitioner pursuant to Ext.P1 Final Decree dated 18.07.2008 passed by the Munsiff's Court, Pathanamthitta in O.S.No.317 of 2001. In the course of further proceedings, pursuant to execution proceedings in E.P.24 of 2009, the boundaries were demarcated and the possession of

the property was given to the petitioner with the help of Amin of the Court, as borne by Ext.P2. It is pursuant to that, the petitioner filed Ext.P3 application, joining hands with his daughter before the second respondent/Village Officer for effecting mutation in respect of the properties in the revenue records by effecting transfer of Registry in accordance with the Transfer of Registry Rules. This was objected to by the first respondent/Addl. Tahsildar referring to Exts. P4 and P5, stating that no such direction is given by the Civil Court to effect mutation. This made the petitioner to approach this Court by filing this writ petition. Though the writ petition was admitted as early as on 10.03.2014, no counter affidavit has been filed so far.

3. Heard both the sides. This Court finds that the title of the property flowing from Exts.P1 and P2 is not disputed and as such, the rights and liberties of the petitioner to enjoy the properties in an appropriate manner, also causing transfer of Registry to be effected in terms of Transfer of Registry Rules cannot be doubted or challenged under any circumstance.

4. In the above circumstance, there will be a direction to the first respondent/Addl. Tahsildar to effect mutation in respect

of the property by considering Ext.P3 application and also enabling the petitioner to satisfy the basic tax in respect of the property in terms of the Kerala Land Tax Act. The proceedings as above shall be finalised at the earliest.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent/Addl.Tahsildar for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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