

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 30009 of 2015 (A)

PETITIONER(S):

**SOMASEKHARAN, AGED 62 YEARS,
S/O.JOHNSON, THARA HOUSE, VENNIYOOR,
VENGANOOR, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.AJIT G.ANJARLEKAR
SRI.GOVIND PADMANAABHAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, COLLECTORATE,
KUDAPPANAKKUNNU, THIRUVANANTHAPURAM-695015.**
- 2. THE DISTRICT REGISTRAR,
OFFICE OF THE DISTRICT REGISTRAR,
THIRUVANANTHAPURAM-695001.**
- 3. SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, VENGANOOR,
THIRUVANANTHAPURAM-695505.**
- 4. THE VILLAGE OFFICER, VILLAGE OFFICE,
VENGANOOR, THIRUVANANTHAPURAM-695505.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 30009 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: COPY OF THE BASIC TAX RECEIPT NO.0250746 DATED 15/9/15

EXT.P-2: COPY OF THE RE-SURVEY PLAN PERTAINING TO FIELD NO.432.

EXT.P-3: COPY OF THE ORDER NO.B12/19196/2006 DATED 23/2/15 ISSUED BY THE R1

**EXT.P4: COPY OF THE REVISED ORDER NO.B12/19196/2006 DATED 4/4/15 ISSUED
BY THE R1**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 30009 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

The petitioner approached this Court aggrieved by Exts.P3 and P4 orders issued by the District Collector, Thiruvananthapuram. The District Collector, by the aforesaid orders found that there are large number of encroachment of Lake Puramboke and ordered that registration and transfer of registry can be effected only after the prior permission of the Committee constituted by him.

2. Essentially, the intention of the above order is to prevent illegal claim in respect of Lake Puramboke by the parties by causing a document to be registered fraudulently. It is apparent that there are large number of such encroachment has been reported in the area referred in the order. It is also seen that the land mafia, by creating fraudulent document is attempting to set up right over the Government land.

3. This Court is of the view that if the person is competent to present the document in terms of Registration Act and there is no impediment under the Registration Act, the document shall be registered in accordance with law notwithstanding the directions of Exts.P3 and P4 orders. However, this will not preclude from any authority to take action, if the attempt is to grab any portion of Lake Puramboke. Therefore, without prejudice to the Revenue Officials to proceed against any property, the Registering Authority shall register the document otherwise it is in conformity with the Registration Act and Rules thereon.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr