

**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. 30054 of 2015 (F)**  
-----

**PETITIONER(S):**  
-----

**GRACY, AGED 50 YEARS,  
W/O.SUNNY, VAZHAPPARAMBIL, 12,  
KOLLAD, POOVANTHURUTHU KARA,  
PANACHIKKADU PANCHAYATH,  
KOTTAYAM-686 029.**

**BY ADV. SRI.P.I.GEORGEKUTTY**

**RESPONDENT(S):**  
-----

- 1. THE DISTRICT COLLECTOR,  
KOTTAYAM. PIN-686 002.**
- 2. PANACHIKKADU GRAMA PANCHAYATH,  
KOTTAYAM-686 533, REPRESENTED BY IT'S SECRETARY.**
- 3. TAHSILDAR  
KOTTAYAM TALUK OFFICE, KOTTAYAM-686 001.**

**BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR**

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

**msv/**

**WP(C).No. 30054 of 2015 (F)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

**P1- TRUE COPY OF THE PARTITION DEED NO.761 OF 1999 OF THE SRO,  
PUTHUPALLY DATED 10.5.1999.**

**P2- TRUE COPY OF THE DEATH CERTIFICATE OF FATHER ISSUED FROM THE  
REGISTRAR OF BIRTHS AND DEATHS, PANACHIKKADU GRAMA PANCHAYATH,  
DATED 13.3.2008.**

**P3- TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECOND RESPONDENT  
DATED 20.6.2015.**

**P4- TRUE COPY OF IAY MINORITY LIST FOR 2014-15.**

**P5- TRUE COPY OF THE CERTIFICATE ISSUED BY THE WELFARE STANDING  
COMMITTEE CHAIRMAN, PALLOM BLOCK.**

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

**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**A.MUHAMED MUSTAQUE, J.**

-----  
**W.P(C).No. 30054 of 2015**  
-----

**Dated this the 16<sup>th</sup> October, 2015**

**JUDGMENT**

According to the petitioner, the property comprised in Sy.No.457/10/1 of Parachikkadu Village is originally belonged to his father. Father died and mother is also no more. Petitioner's father's name is K.J.John. He is having two children, petitioner as well as her brother.

2. The petitioner submits that whereabouts of her brother is not known for the last more than 23 years. Therefore, the petitioner submits that entire property has to be transferred in her name.

If a person is missing and his near relatives affirm that he is missing, that can be relied upon. Therefore, in view of the provisions of Section 107 of the Evidence Act, transfer of registry has to be effected in the name of the petitioner, if the petitioner is the legal heir of deceased K.J.John. The authority concerned shall verify that petitioner is the legal heir of late K.J.John. The petitioner

shall also file an affidavit before the authority concerned that her brother is missing with details of probable date of missing. It is made clear that this will not prejudice the right of the petitioner's missing brother, if he comes back.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE  
JUDGE**

vgs17/10/15