

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 30453 of 2014 (F)

PETITIONER:

**C.RAVEENDRANATHAN,
S/O. CHELATTU LAKSHMIKUTTY AMMA,
KUNNATH HOUSE, AYILOOR ROAD,
NENMARA, CHITTUR, PALAKKAD.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S):

- 1. TAHSILDAR,
TALUK OFFICE, THRISSUR - 680 001.**
- 2. ADDITIONAL TAHSILDAR,
TALUK OFFICE, THRISSUR - 680 001.**
- 3. VILLAGE OFFICER, PURANATTUKARA,
MUDUVARA P.O., THRISSUR - 680 001.**
- 4. C. SANTHAKUMARI,
D/O. CHELATTU LAKSHMIKUTTY AMMA,
PURANATTUKARA, THRISSUR TALUK,
THRISSUR DISTRICT - 680 001.**

**R1 TO R3 BY SENIOR GOVT. PLEADER SMT.ANITHA RAVINDRAN
R4 BY ADVS. SRI.P.SANTHOSH (PODUVAL)
SRI.K.D.SREEVISAKH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 30453 of 2014 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1- TRUE COPY OF THE MEDIATION AGREEMENT AND THE JUDGMENT
PASSED IN TERMS OF THE MEDIATION IN O.S 162/2010
DATED 02/07/2012.

EXHIBIT-P2- TRUE COPY OF THE JUDGMENT IN O.P. 1323/2014 DATED 10/07/2014.

EXHIBIT-P3- TRUE COPY OF THE GIFT DEED DATED 23/07/2014.

EXHIBIT-P4- TRUE COPY OF THE DRAFT CORRECT DEED.

EXHIBIT-P5- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT
DATED 29/09/2014.

EXHIBIT-P6- TRUE COPY OF THE OBJECTION OF THE PETITIONER
DATED 04/10/2014 BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 30453 of 2014

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Dated, this the 13th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- (i) To issue a writ of mandamus or any other appropriate writ or order or direction directing respondents 1 and 2 to measure the property covered by Ext. P3 and to permit the petitioner to get the gift deed corrected before effecting effect mutation within a time frame to be fixed by this Hon'ble Court;
- (ii) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case.

2. The pleadings and proceedings in the writ petition show that the petitioner is the brother of the 4th respondent. The civil suit filed before the First Additional Sub Court, Trichur as O.S. No. 162 of 2010 with regard to the property dispute, came to be settled, as borne by Ext. P1 dated 02.07.2012. Based on the settlement reached in between, a gift deed is to be executed in favour of the 4th respondent,

which has been done as borne by Ext. P3 dated 23.07.2014. But after registration of the deed, it came to the notice of the petitioner that some mistake has crept in, since the factum of passing 'compromise decree' has not been mentioned in the said deed. In the said circumstances, necessity to have the correction deed was felt. Ext. P4 is the draft of such deed. In the meanwhile, Ext. P5 notice was issued by the second respondent to effect mutation in the Transfer of Registry Rules. The position was brought to the notice of the said respondent by way of Ext. P6 petition, to the effect that mistakes in Ext. P3 gift deed had to be corrected and measurement of the property had to be effected, before mutation.

3. Heard the learned counsel for the 4th respondent and the learned Government Pleader. The learned counsel for the 4th respondent points out that there is absolutely no lapse or failure on the part of the respondents in giving effect to Ext. P1 compromise decree. If at all any mistake has crept in, it is for the petitioner to get it corrected and further that there is no objection for the 4th respondent for causing the property to be measured and to have the mutation effected accordingly.

4. In the said circumstances, the respondents are directed to cause measurement of the property to be effected in terms of Ext. P1, in the light of Ext. P3, at the cost of petitioner. Thereafter, the original of Ext. P4 correction deed shall be registered by the registering authority in accordance with the Registration Act/Rules, subject to satisfaction of the requirements as per the relevant provisions of law. Steps shall be taken by the 3rd respondent to effect mutation after effecting measurement and execution of the correction deed as aforesaid, without any further delay.

The Writ Petition stands disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

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