

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 32900 of 2015 (J)

PETITIONER(S):

**GEORGE JACOB, S/O.V. CHACKO,
VADAKKEL MAZHUVANCHERY HOUSE,
THAMARACHAL KARA, KIZHAKKAMBALAM P.O.,
ERNAKULAM DISTRICT-683 562.**

**BY ADVS.SRI.G.G.MANOJ,
SRI.P.M.BENZIR.**

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
KOOVAPPADY VILLAGE, PERUMBAVOOR,
ERNAKULAM DISTRICT, PIN-683 544.**
- 2. THE TAHSILDAR,
KUNNATHUNADU TALUK, PERUMBAVOOR,
ERNAKULAM DISTRICT-683 542.**
- 3. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION,
KAKKANAD, ERNAKULAM-682 030.**
- 4. THE AUTHORISED OFFICER,
STATE BANK OF INDIA,
STRESSED ASSETS RECOVERY BRANCH (SARB),
M.G. ROAD, ERNAKULAM-682 016.**

**R1 TO R3 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.
R4 BY ADV. SRI.R.S.KALKURA, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1. A TRUE COPY OF THE SALE CERTIFICATE REGISTERED
AS NO.2897/2015 OF SRO PERUMBAVOOR EXECUTED IN
FAVOUR OF THE PETITIONER
- EXT.P2. A TRUE COPY OF THE SALE CERTIFICATE ISSUED IN THE
NAME OF MR.PAUL JOSEPH BY RDO DATED 14/08/2007.
- EXT.P3. A TRUE COPY OF THE TAX RECEIPT DATED 24/08/2007
NO.3811432 OF KOOVAPPADY VILLAGE.
- EXT.P4. A TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY
THE SUB REGISTRY OFFICE, DATED 14/07/2015 IN NO.9801/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 32900 of 2015

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner purchased a property covered by Ext.P1 sale deed conducted pursuant to the proceedings under SARFAESI Act, 2002. The petitioner approached the Revenue Officials to effect mutation. On account of delay in effecting mutation, the petitioner has approached this Court.

2. The learned Government Pleader submits that the Revenue Officials have to verify whether there exists any public revenue due on the land from the vendor. Therefore, without verifying, the mutation cannot be effected.

3. This Court is of the view that transfer of registry is for fiscal purpose. Therefore, the right of the creditor to

proceed against the property will not be lost on account of effecting the transfer of registry. Therefore, without prejudice any right available to any creditor, the transfer of registry shall be effected in favour of the petitioner based on Ext.P1 Sale Certificate. Needful shall be done within a period of two weeks.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr