

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 33608 of 2015 (A)

PETITIONER(S):

**SHALINI ROY ABRAHAM,
KALLIVAYALIL LHOUSE, ARUNAPURAM P.O., PALA,
KOTTAYAM DISTRICT, PIN-686 574.**

**BY ADVS.SRI.K.P.SUJESH KUMAR
SMT.KEERTHI K.NARAYANAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KUYILIMALA, PAINAV P.O.,
IDUKKI, PIN-685 603.**
- 2. THE TAHSILDAR,
THODUPUZHA TALUK, TALUK OFFICE, THODUPUZHA P.O.
IDUKKI DISTRICT-685 584.**
- 3. THE VILLAGE OFFICER,
KARIMKUNNAM VILLAGE, KARIMKUNNAM P.O., THODUPUZHA
IDUKKI DISTRICT-685 586.**
- 4. STATE BANK OF INDIA,
THODUPUZHA BRANCH, P.B.NO.16, MATHA SHOPPING COMPLEX,
PALA ROAD, THODUPUZHA, PIN-685 584,
REPRESENTED BY ITS BRANCH MANAGER.**
- 5. THE SUB REGISTRAR,
THODUPUZHA, PUNALLOOR-MUVATTUPUZHA ROAD,
THODUPUZHA-685 584.**

**R1-3 & 5 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R4 BY SRI.R.S.KALKURA, SC, SBI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE SALE CERTIFICATE NO.1689/2015 EXECUTED IN FAVOUR OF THE PETITIONER, DTD.31.8.2015.**
- P2 : COPY OF THE COMMUNICATION NO.536/15 ISSUED BY THE 3RD RESPONDENT, DTD.28.10.2015.**
- P3 : COPY OF THE ENCUMBRANCE CERTIFICATE NO.6471/105 COVERING FOR THE PERIOD FROM 1.1.1998 TO 3.9.2015 DTD.10.9.2015.**
- P4 : COPY OF THE MEMORANDUM OF CONFIRMATION OF MORTGAGE BY DEPOSIT OF TITLE DEEDS EXECUTED IN FAVOUR OF THE 4TH RESPONDENT DTD.1.1.2009.**
- P5 : COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WA NO.612/2015, DTD.24.7.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.33608 of 2015

Dated this the 4th day of November, 2015

JUDGMENT

The petitioner approached the Revenue Officials to effect mutation pursuant to Ext.P1 sale effected by the Debts Recovery Tribunal.

2. The Revenue Officials refused to act upon the request on account of an attachment effected in relation to the property.

This Court is of the view that the attachment cannot be a reason to refuse transfer of registry. Therefore, without prejudice to the right of the creditors, the transfer of the registry shall be effected in favour of the petitioner without any delay.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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