IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 34403 of 2014 (A)

PETITIONER(S):

SAFIAKUTTY, AGED 54 YEARS,
W/O MOHAMMED ALI, PARAMBIL HOUSE,
P.O. KOTTAYI, TIRUR TALUK, MALAPPURAM DISTRICT 676562.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):
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1. **THE TAHSILDAR, TIRUR- 676 101, MALAPPURAM DISTRICT.**

2. **THE VILLAGE OFFICER,**
   MANGALAM VILLAGE, TIRUR, MALAPPURAM DISTRICT 676108.

3. **C.T. NEFEESUMMA,**
   D/O. MAMMASANKUTTY, KUNDIL VALAPPIL HOUSE, P.O KOOTTAYI,
   TIRUR TALUK, MALAPPURAM DISTRICT.

4. **C.T. JAMEELA,**
   W/O LATHEEF, VALAPPIL THATTATH HOUSE,
   P.O. VETTAM, TIRUR TALUK, MALAPPURAM DISTRICT 676312.

5. **JAMALUDDIN,**
   S/O ALIKUTTY, KUNDIL VALAPPIL, P.O,
   KOTTAYI- 676562, TIRUR TALUK, MALAPPURAM DISTRICT.

6. **C.T. FOUSIYA,**
   W/O. ABDUL RAZACK, KONNAKATTU HOUSE,
   P.O. VALACHERRY, TIRUR TALUK, MALAPPURAM DISTRICT.

7. **KHALID KUTTY,**
   S/O BAVAKUTTY HAJI, CHEKKINTE PURAKKAL HOUSE,
   P.O. KOTTAYAI, TIRUR TALUK, MALAPPURAM DISTRICT.

R1 & 2 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R3-6,7 BY ADV. SRI.C.M.MOHAMMED IQUABAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

WP(C).No. 34403 of 2014 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 29-07-2009 IN O.S NO 98/2000 OF THE MUNSIFF COURT, TIRUR

EXHIBIT P2 TRUE COPY OF THE ORDER DATED 29--8-2013 OF THE DISTRICT COLLECTOR, MALAPPURAM

EXHIBIT P3 TRUE COPY OF THE COMPLAINT MADE BY THE PETITIONER BEOFRE THE IST RESPONDENT ON 05-08-2014

EXHIBIT P4 TRUE COPY OF THE REPRESENTATION DATED 12-11-2014 MADE BY THE PETITIONER BEFORE THE ADDL TAHSILDAR, TIRUR

RESPONDENT(S)' EXHIBITS

EXHIBIT R7(A); TRUE COPY OF DOCUMENT NO.3585/14 DATED 11/8/14 OF SRO KODAKKAL IS PRODUCED

EXHIBIT R7(B): THE TRUE COPY OF DOCUMENT NO.2285/1997 OF SRO, KODAKKAL DATED 29/11/1977

EXHIBIT R7(C): THE TRUE COPY OF BASIC TAX RECEIPT ISSUED BY THE VETTOM VILLAGE OFFICE DATED 29/4/2008

EXHIBIT R7(D): THE TRUE COPY OF BASIC TAX RECEIPT ISSUED BY THE VETTOM VILLAGE OFFICE DATED 13/9/10 IS PRODUCED

EXHIBIT R7(E): THE TRUE COPY OF BASIC TAX RECEIPT ISSUED BY THE VETTOM VILLAGE OFFICE DATED 2/6/2012 IS PRODUCED

EXHIBIT R7(F): THE TRUE COPY OF BASIC TAX RECEIPT ISSUED BY THE VETTOM VILLAGE OFFICE DATED 16/11/13 IS PRODUCED

EXHIBIT R7(G): THE TRUE COPY OF BASIC TAX RECEIPT ISSUED BY THE VETTOM VILLAGE OFFICE DATED 17/5/14 IS PRODUCED

EXHIBIT R7(H): THE TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE VETTOM VILLAGE OFFICE DATED 3/6/99.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 34403 of 2014

Dated this the 6th day of October, 2015

J U D G M E N T

The dispute in this writ petition pertains to two cents of landed property in Resurvey No.67/4A of Mangalam Village, Tirur Taluk.

2. There was a suit between the petitioner and assignor of seventh respondent. Some of the assignors are respondents 3 to 6. The suit was for declaration of title and possession in respect of the aforesaid two cents of land. The suit was filed by respondents 3 to 6. The suit was dismissed holding that the plaintiff has no title and possession over the aforesaid land.

3. The issue in this writ petition pertains to effecting transfer of registry in favour of the seventh respondent in respect of the above 2 cents of land. The two cents of land along with 20 cents of other land belonging to respondents 2 to 6 have been assigned to the seventh

respondent, subsequent to the suit by Ext.R7(a). Petitioner submits that transfer of registry cannot be made in view of the decision of the civil court, which is produced as Ext.P1.

4. Learned counsel for respondents 3 to 7 would submit that they have already appealed against the above decree and judgment and appeal is pending. It is admitted that appeal is yet to be admitted as there is a delay.

5. The question is whether transfer of registry can be made in favour of the seventh respondent based on Ext.R7(a).

6. This Court is of the view that in view of the clear decree and judgment of the civil court, transfer of registry shall not be effected in respect of two cents of land, unless otherwise ordered by the appellate court or any other higher court varying Ext.P1 judgment. However, it is made clear that the transfer of registry can be effected in favour of the seventh respondent, with respect to other extent of land other than the land in Re.Sy.No.67/4A having extent of two cents. It is also

made clear that Revenue Officials are free to effect transfer of Registry in favour of any person, who is able to establish right over the aforesaid two cents in accordance with the Transfer of Registry Rules.

This writ petition is disposed of as above.

sd/-
A.MUHAMED MUSTAQUE,
Judge

MBS/