

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 34751 of 2015 (T)

PETITIONER :

**P.D.ABRAHAM, AGED 63 YEARS,
S/O.P.A.DEVASSIA, PINAKKATTU HOUSE,
BANK ROAD P.O., KOZHIKKODE -673 001.**

BY ADV. SRI.R.ABDUL AHAD

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT REGISTRAR,
THE DISTRICT REGISTRAR'S OFFICE, KOZHIKKODE-673 001.**
- 3. THE SUB REGISTRAR,
THAMARASSERY TOWN SUB REGISTRAR'S OFFICE,
THAMARASSERY P.O., KOZHIKKODE DISTRICT -673 573.**
- 4. THE SUB REGISTRAR,
BALUSSERY SUB REGISTRAR'S OFFICE, BALUSSERY P.O.,
KOZHIKKODE DISTRICT - 673 612.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 34751 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE DOCUMENT NO.2807 OF 2013 DATED 23/10/2013.**
- P2: TRUE COPY OF THE DOCUMENT NO.4968 OF 2013 DATED 11/11/2013**
- P3: TRUE COPY OF THE DOCUMENT NO.5011 OF 2013 DATED 20//11/2013.**
- P4: TRUE COPY OF THE JUDGENT IN WPC NO.34777 OF 2011**
- P5: TRUE COPY OF THE G.O.(RT.) NO.147/2015/REVENUE DATED 17/04/2015**
- P6: TRUE COPY OF THE JUDGMENT IN WPC NO.19461/2015**

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

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 34751 of 2015

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Dated this the 18th day of November, 2015

J U D G M E N T

The petitioner approached this Court for following relief:

- i. "Issue a Writ of Mandamus or any other appropriate writ, order or direction to the respondents to permit the petitioner to transfer his properties to the persons of his choice.
- ii. Issue a Writ of Mandamus or any other appropriate writ, order or direction to the respondents to register the instruments regarding the transfer of the properties of the petitioner without insisting any special permission or "No objection certificate" from the Government.
- iii. Pass such other and further orders as this Hon'ble Court may deem fit and proper, in the facts and circumstances of the case."

2. The petitioner submits that he has executed a document to convey his right in respect of the land which was exempted under the Land Reforms Act. However the registering authority refused to register the document.

3. This Court in W.P.(C) No. 34777/2011 and connected matter held that the registering authority cannot refuse to register a document conveying exempted land under the land Reforms Act as there is no embargo in transferring whole or part of the exempted land. This Court further observed that the

remedy is available to the Taluk Land Board or other Authority to proceed against the property when a conversion takes place. In that view of the matter competent registering authority is directed to register the document conveying the right of the holder of the land in respect of the land exempted under the Land Reforms Act on being satisfied with the compliance of other formalities relating to registration.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE