

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 35046 of 2015 (E)

PETITIONER(S):

- 1. BAIJU DIVAKARAN,
S/O.DIVAKARAN, AGED 46 YEARS,
MARIYATHU HOUSE, PACHALAM.P.O., COCHIN-24.**
- 2. K.S.GEETHA,
W/O. BAIJU DIVAKARAN, AGED 43 YEARS,
MARIYATHU HOUSE, PACHALAM.P.O., COCHIN-24.**

BY ADV. SRI.VINUCHAND

RESPONDENT(S):

- 1. THE SUB REGISTRAR,
SUB REGISTRAR'S OFFICE, ERNAKULAM, PIN-682 016**
- 2. THE DISTRICT COLLECTOR, ERNAKULAM,
COLLECTORATE, KAKKANAD, ERNAKULAM, PIN-682 018.**

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.35046/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SALE DEED NO.2703/12 OF SRO CHERANELLOOR.
P1(A) COPY OF THE SALE DEED NO.2704/12 OF SRO CHERANELLOOR
P2 COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 26/6/14
P3 COPY OF THE DRAFT SALE DEED DATED 6/11/15.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35046 of 2015

Dated this the 19th day of November, 2015

JUDGMENT

The petitioner presented an instrument for registration. The registering authority refused to register the instrument stating that an order has been passed by the District Collector under the Kerala Conservation of Paddy Land and Wetland Act, 2008 (for short, 'Act 28/2008') to restore the land covered by the instrument.

2. The registering authority cannot refuse to register the document, citing an order under the Act 28/2008. There is no impediment to an owner of the land to transfer his right in respect of the land in accordance with law. There is no such provision under the Act 28/2008 also.

Therefore, the registering authority is directed to register the document without prejudice to the right of the Revenue Officials to proceed against the property in accordance with the provisions of the Act 28/2008.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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