

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 35742 of 2015 (P)

PETITIONER(S):

**MERINA, D/O. AUGUSTINE,
MANGALAPPILLY HOUSE, CHERUKADAPPURAM KARA,
PUTHENVELIKKARA VILLAGE, N. PARAVUR,
NORTH KUTHIYATHODU.**

BY ADV. SMT.M.K.PUSHPALATHA.

RESPONDENT(S):

- 1. SECRETARY, CORPORATION OF COCHIN,
ERNAKULAM-682 011.**
- 2. JOSEPH LONAN, AGED 68 YEARS,
MELEPARAMBIL HOUSE, RESIDENCE ASSOCIATION NO.152,
PUSHPAK ROAD, VADUTHALA P.O.,
ERNAKULAM DISTRICT-682 023.**
- 3. JULIANA JOSEPH, AGED 67 YEARS,
MELEPARAMBIL HOUSE, RESIDENCE ASSOCIATION NO.152,
PUSHPAK ROAD, VADUTHALA P.O.,
ERNAKULAM DISTRICT-682 023.**

R1 BY ADV. SRI.P.K.SOYUZ, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE COMPROMISE EXECUTED DATED 23/05/2013
IN O.P. NO.1188/2012 OF FAMILY COURT, ERNAKULAM.
- EXT.P2 COPY OF THE DECREE DATED 23/10/2013 IN O.P. NO.1188/2012
OF FAMILY COURT, ERNAKULAM.
- EXT.P3 COPY OF THE SETTLEMENT DEED DATED 16/07/2013.
- EXT.P4 COPY OF THE TAX RECEIPT FOR THE PERIOD 2015-16.
- EXT.P5 COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT
DATED 24/01/2015.
- EXT.P6 COPY OF THE REPRESENTATION DATED 16/07/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. HARILAL, J.

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W.P. (C) No.35742 of 2015

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Dated this the 26th day of November, 2015

J U D G M E N T

According to the petitioner, the petitioner is the owner in possession of 5.90 Ares of property, comprised in Sy. No. 959/1 of Cheranalloor village, by virtue of Ext.P3 settlement deed, executed by the 2nd respondent. Thereafter, the property has been mutated, in favour of the petitioner in accordance with the provisions under the Transfer of Registry Rules, 1966. The petitioner has filed an application before the 1st respondent, seeking a possession certificate with respect to the said property and building therein. But, the 1st respondent has not considered the same for a long time. Thereafter, the petitioner was directed to produce relevant documents and the petitioner has submitted all the documents, which would show the title and possession of the

-: 2 :-

petitioner in the above said property and the petitioner filed Ext.P6 application, for an early disposal of the earlier application. But, the 1st respondent has not passed order, either in the earlier application, or in Exts.P5 and P6 so far. This is the grievance projected in this Writ Petition.

2. Having regard to the sequences of evidence narrated in the Writ Petition and grievance projected highlighted at the Bar, in support of the pleadings, I find that the application filed by the petitioner, for granting possession certificate deserves to be considered and addressed by the 1st respondent, at the earliest.

3. In the above, the 1st respondent is directed to consider Ext.P6 application and pass order accordingly, at the earliest, at any rate, within a period of two months, from the date of receipt of the copy of this judgment.

-: 3 :-

This Writ Petition is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge