

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 37259 of 2015 (F)

PETITIONER(S):

**MOIDEENKUTTY ODAKKAL,
S/O.ALIHASSANKUTTY, ODAKKAL HOUSE,
URAKAM KEEZHMURI .P.O., MALAPPURA DISTRICT, PIN-676 519.**

**BY ADVS.SRI.S.SAJU
SRI.P.M.SHAMEER
SRI.BOBBI LAL**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN-695 001.**
- 2. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, U.P.HILL, MALAPPURAM,
PIN-676 505.**
- 3. THE TAHSILDAR, THALUK OFFICE,
KONDOTTY, PIN - 673 638.**
- 4. THE VILLAGE OFFICER,
NEDIYIRUPPU VILLAGE, MALAPPURAM DISTRICT, PIN-627 455.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 37259 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE COPY OF THE REGISTERED SALE DEED 1151/2014 DATED 26.02.2014 OF KONDOTTY SUB-REGISTRAR OFFICE**
- P2 TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 19.08.2014 FOR POKKU VARAVU (P.V) FEES ISSUED BY THE 4TH RESPONDENT**
- P3 TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 12.04.2015 FOR POKKU VARAVU (P.V)FEES ISSUED BY THE 4TH RESPONDENT**
- P4 TRUE COPY OF THE COMMUNICATION DATED 25.11.2015 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER**
- P5 TRUE COPY OF THE PATTA NO.27/97 OF JUNE 1997 ISSUED BY THE TAHSILDAR, ERNAD MANJERI**
- P6 TRUE COPY OF THE JUDGMENT IN W.P(C)NO.17404/2010 DATED 04.06.2010 OF THE HON'BLE HIGH COURT OF KERALA**
- P7 TRUE COPY OF THE GOVERNMENT ORDER G.O.(P)NO.49/2009/RD DATED 24.01.2009, REGARDING THE AMENDMENT OF THE KERALA LAND ASSIGNMENT RULES,1964**
- P8 TRUE COPY OF THE SALE DEED DOCUMENT NO.1155/2011 DATED 28.02.2011 EXECUTED IN FAVOUR OF MR.BASHEER AND ONE MR.MUHAMMED NURISH**
- P9 TRUE COPY OF THE BASIC TAX RECEIPT NO.8477651 DATED 30.06.2012 ISSUED BY THE 4TH RESPONDENT VILLAGE.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37259 of 2015

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Dated this the 9th day of December, 2015

J U D G M E N T

The petitioner claims the title of the property situated in Re.Sy. 278/Pt, block No.36 of Nediyruppu Village as per registered sale deed 1151/2014 dated 26.02.2014. He had approached the revenue officials to effect transfer of registry. The Additional Tahsildar by Ext.P4 rejected the request stating that originally the property was allotted to the member of Scheduled Cast Community and therefore the transfer is illegal.

This Court is of the view that the transfer of registry is for the fiscal purposes. Therefore without prejudice to the right to proceed against the property in accordance with the law, the transfer of registry shall be effected. Needful shall be done within 4 weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above. sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE