

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37952 of 2015 (T)

PETITIONER :

**PETER, AGED 63 YEARS,
S/O. M.J.MATHEW, MOONGEMPILLY,
THAIKKATTUKARA, ALUVA.**

**BY ADVS.SRI.E.D.GEORGE
SMT.K.HASEENA**

RESPONDENTS :

**1. VILLAGE OFFICER
THENKURUSSI, ALATHUR TALUK-678541.**

**2. ADDITIONAL THAHSILDAR
ALATHUR, PALAKKAD-678541.**

R1 & R2 BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1:- TRUE COPY OF THE SALE DEED NO. 2410/2007 OF KUZHALMANNAM
SUB REGISTRY, DTD. 30-10-2007.**

EXHIBIT P2:- TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 8-5-2012.

EXHIBIT P3:- TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 3-2-2014.

**EXHIBIT P4:- TRUE COPY OF THE LETTER DATED 2-4-2014 SENT BY THE
SECRETARY VILAYACHATHANNUR SERVICE CO-OPERATIVE SOCIETY
TO THE VILLAGE OFFICER.**

**EXHIBIT P5:- TRUE COPY OF THE APPLICATION DATED 18-8-2015 SUBMITTED BY
THE PETITIONER BEFORE THE VILLAGE OFFICER FOR EFFECTING
MUTATION.**

**EXHIBIT P6:- TRUE COPY OF THE LETTER DATED 10-10-2015 RECEIVED BY THE
PETITIONER FROM THE TALUK OFFICER, FOR A PERSONAL
HEARING.**

**EXHIBIT P7:- TRUE COPY OF THE LETTER DATED 3-11-2015 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37952 of 2015

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Dated this the 15th day of December, 2015

J U D G M E N T

The petitioner approached the Additional Tahsildar, Alathur for effecting transfer of registry. This has been rejected stating that there is a dispute in respect of the property.

2. This Court is of the view that merely because of existence of any dispute cannot be a reason to deny the transfer of registry. Therefore after hearing the petitioner and the disputant, appropriate decision shall be taken by the Additional Tahsildar. Needless to say that the merits of the claim of both parties have to be verified. In the event if the Tahsildar is of the view that the disputed question of title cannot be decided by him, he shall relegate the parties to civil court. Needful shall be done within three months 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