

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38464 of 2015 (G)

PETITIONER :

**FR.P.C. THOMAS,S/O.CHACKKO,
PULLIATTEL HOUSE, KEDAVOOR DESOM,
RAROTH VILLAGE, THAMARASSERY.P.O.,
KOZHIKODE-673 573**

**BY ADVS.SRI.SHEJI P.ABRAHAM
SRI.BIJOY.KALIAS**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, TRIVANDRUM-695 001**
- 2. DISTRICT COLLECTOR, KOZHIKODE-673 020**
- 3. TAHASILDAR, THAMARASSERY TALUK,
CALICUT-673 573**
- 4. THE SUB REGISTRAR, SUB REGISTRAR OFFICE,
THAMARASSERY TOWN, CALICUT-673 573**

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.38464/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGISTERED DOCUMENT NO.5263 OF SRO THAMARASSERY TOWN
- P2 COPY OF THE BASIC TAX RECEIPT
- P2(A) COPY OF THE POSSESSION CERTIFICATE
- P3 COPY OF THE JUDGMENT DATED 13/2/11 IN WP(C).NO.34777/11
- P3(A) COPY OF THE GOVERNMENT ORDER DATED 17/4/2015.
- P4 COPY OF THE JUDGMENT DATED 8/9/15 IN WP(C).NO.19461/15.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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W.P(C)No.38464 of 2015

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Dated this the 18th day of December, 2015

JUDGMENT

Petitioner has approached this Court with the following prayers:

- i) Issue a writ of mandamus or any other appropriate writ order or direction directing the 4th respondent to permit the petitioner to transfer the immovable property in Resurvey No.84 & 85 of Thamarassery Taluk in Engapuzha Village (Kinaloor Estate), Kozhikode District purchased as per Ext.P1 document.
- ii) Issue a writ of mandamus or any other appropriate writ order or direction directing the respondents to declare that the petitioner is free to transfer their immovable properties without insisting any permission from the respondents 1 to 3 in view of Ext.P3 judgment passed by this Hon'ble Court.
- iii) Grant such other reliefs as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.

2. It is submitted by the learned Government Pleader that no action has been initiated to interdict the petitioner from transferring the land.

3. In that view of the matter, the petitioner is free to alienate the property in accordance with law. If the petitioner

presents any instrument for registration, if otherwise satisfies with the formalities under the Registration Law, necessarily, that instrument shall be registered even if the property is an exempted land under the Kerala Land Reforms Act.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

vdv/18/12/15