

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. 38585 of 2015 (W)

PETITIONER(S) :

1. A.M.MYMOONATH, AGED 61 YEARS,
W/O. LATE KUNJUMHAMMED, VADAPPILLY VEEDU,
CHOORNIKKARA PANCHAYATH, THAIKKATTUKARA P.O.,
ALUVA, ERNAKULAM DISTRICT, PIN-683 106.
2. NISHIDA P.M., AGED 33 YEARS,
W/O. ABDUL NIYAS, VADAPPILLY VEEDU,
CHOORNIKKARA PANCHAYATH, THAIKKATTUKARA P.O.,
ALUVA, ERNAKULAM DISTRICT, PIN-683 106.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM, PIN-695 001.
2. THE TAHASILDAR,
TALUK OFFICE, ALUVA, ERNAKULAM DISTRICT,
PIN-683 101.
3. THE VILLAGE OFFICER,
ALUVA WEST VILLAGE OFFICE, ALUVA,
ERNAKULAM DISTRICT-683 101.

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

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

WP(C).No. 38585 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE SETTLEMENT DEED ON. 3802/14 EXECUTED ON 30/09/2014 BY SHRI. ABDUL NIYAS, SON OF THE 1ST PETITIONER IN HER FAVOUR.**
- EXHIBIT P2- TRUE COPY OF THE SETTLEMENT DEED NO. 3801/14 EXECUTED BY MR. ABDUL NIYAS, THE HUSBAND OF THE 2ND PETITIONER IN FAVOUR OF HER.**
- EXHIBIT P3- TRUE COPY OF THE PARTITION DEED NO. 4375 OF 2013 DATED 07-12-2013.**
- EXHIBIT P4- TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER BEFORE 3RD RESPONDENT FOR MUTATION, DATED 08-09-2015.**
- EXHIBIT P5- TRUE COPY OF THE APPLICATION SUBMITTED BY THE 2ND PETITIONER DATED 08-09-2015 FOR MUTATION BEFORE 3RD RESPONDENT.**
- EXHIBIT P6- TRUE COPY OF THE RELEVANT PAGE OF SETTLEMENT REGISTER (IN WHICH OLD SURVEY NUMBER: 367/1 IN WHICH 2 ACRES 86 CENTS BELONGS TO CHOORIKARA PILLAVADA KURUP ATHICHANKUNJU) MAINTAINED BY CENTRAL ARCHIEVES, THIRUVANANTHAPURAM ISSUED ON 18-12-2013.**
- EXHIBIT P7- TRUE COPY OF THE OLD BTR IN WHICH ANNEXED PROPERTY OF 2 ACRES 86 CENTS COMPRISED IN SURVEY NUMBER 367/1.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 38585 of 2015

Dated this the 18th day of December, 2015

J U D G M E N T

The petitioners have approached this Court on account of the inaction to effect mutation in respect of the properties covered by Exts.P1 & P2 settlement deeds.

2. It appears that the properties claimed by the petitioners seems to be included as 'puramboke land' and therefore, the revenue officials found difficulty in effecting mutation.

This Court is of the view that the 2nd respondent or the additional Tahsildar, Aluva shall demarcate and measure out the properties of the petitioners covered by Exts.P1 & P2 and thereafter, effect transfer of registering number etc. If there is any mistake in the survey records, the same also shall be corrected. Needful shall be done within a period of three months. It is hereby made clear that the transfer of registration shall be done only after

W.P.(C) No. 38585 of 2015

..2..

demarcating the properties of the petitioners as per the title deeds. While carrying out the demarcation, Exts.P6 & P7 also be adverted.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bka/21.12.2015