

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39238 of 2015 (D)

PETITIONER(S):

1. **LILLY DANIEL @ RAHEL AGED 77 YEARS**
W/O.LATE DANIEL, SAJI VILLA, KOMALLOOR MURI
CHUNAKKARA VILLAGE, KOMALLOOR P.O., MAVELIKKARA
ALAPPUZHA DISTRICT.

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S):

1. **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO REGISTRATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001
2. **THE DISTRICT REGISTRAR**
ALAPPUZHA DISTRICT, ALAPPUZHA-686 001.
3. **THE REGISTRAR OFFICE**
SUB REGISTRAR OFFICE, CHERIYANADU-689 511.

R BY GOVERNMENT PLEADER BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

avk

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. A TRUE COPY OF THE SALE DEED NO.89/72 OF SRO, NOORANADU.

EXT.P2. A TRUE COPY OF THE SALE DEED NO.2724/72 OF SRO, NOORANADU.

EXT.P3. A TRUE COPY OF THE PHOTOGRAPH SHOWING THE LIE OF THE
PROPERTY AND HOUSE THEREIN.

EXT.P4. TRUE COPY OF THE BUILDING TAX ASSESSMENT DATED 2013 TO
2018 ISSUED BY THE CHUNAKKARA GRAMA PANCHAYATH

EXT.P5. A TRUE COPY OF THE PROPERTY ASSESSMENT DATED 2013 TO 2018
ISSUED BY THE CHUNAKKARA GRAMA PANCHAYATH

EXT.P6. A TRUE COPY OF THE DRAFT DEED PREPARED AND HANDED OVER
THE 3RD RESPONDENT

EXT.P7. A TRUE COPY OF THE STAMP PAPER PURCHASED IN THE NAME OF
THE PETITIONER

EXT.P8. A TRUE COPY OF THE CERTIFICATE DATED 18/8/2015 ISSUED TO THE
KRISHI BHAVAN, CHUNAKKARA.

EXT.P9. A TRUE COPY OF THE CERTIFICATE DATED 24/11/2015 ISSUED TO
THE KRISHI BHAVAN, CHUNAKKARA.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

A. MUHAMED MUSTAQUE, J.

W.P.(C).No. 39238 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

The petitioner approached this Court alleging that Sub-Registrar refused to register the instrument of release deed stating that the description of the property in the schedule, has to be corrected from the garden land to the paddy land.

2. This Court is of the view that it is beyond scope of the Sub-Registrar to insist such changes. Mere description of the land as a garden land would not enure to any benefits unless it is a garden land as per the Basic Tax Register (BTR). It is the look out of the Revenue Officials to consider the classification at the time of effecting transfer of registry. Therefore, the Sub-Registrar is directed to register the

instrument otherwise it conforms with the Registration Act.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE
JUDGE

bpr