IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JANUARY 2020 / 7TH MAGHA, 1941

WP(C).No.31515 OF 2019(L)

PETITIONER :

P.RAMACHANDRAN,
AGED 67 YEARS,
SON OF THE LATE PALAYAN,
RESIDING AT CHARUVILA VEEDU,
VAYYANAM P.O., AYUR,
KOLLAM - 691 533.

BY ADVS.
SMT.REKHA VASUDEVAN
SMT.V.DEEPA

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001

2 **THE LAND REVENUE COMMISSIONER,**
COMMISSIONERATE OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSEUM ROAD,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033.

3 **THE DISTRICT COLLECTOR,**
COLLECTORATE, CIVIL STATION ROAD,
KAANKATHU MUKKU, KOLLAM - 691 013.

4 **THE REVENUE DIVISIONAL OFFICER,**
RDO OFFICE, VIDYA NAGAR, KOLLAM - 691 013.

5 **THE TAHSILDAR,**
TALUK OFFICE, KOTTARAKKARA TALUK,
MINI CIVIL STATION, KOTTARAKARA,
KOLLAM - 691 506.

6 THE VILLAGE OFFICER,
ITTIVA VILLAGE, VAYYANAM P.O.,
AYUR, KOLLAM - 691 533

7 THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
STATE HIGHWAY-1, CHADAYAMANGALAM,
KOLLAM - 691 534.

R1-R7 BY SR.GOVERNMENT PLEADER
SRI.S.GOPINATHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.01.2020, ALONG WITH WP(C).31521/2019(M), WP(C).31532/2019(N), WP(C).32019/2019(B), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JANUARY 2020 / 7TH MAGHA, 1941

WP(C).No.31521 OF 2019(M)

PETITIONER :

ALEYAMMA THOMAS,
AGED 82 YEARS,
WIFE OF THE LATE C.O. THOMAS,
RESIDING AT SANKARAMANGALAM VEEDU,
VAYYANAM PO, AYUR, KOLLAM - 691 533

BY ADVS.
SMT.REKHA VASUDEVAN
SMT.V.DEEPA

RESPONDENTS :

1 **STATE OF KERALA,**
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001

2 **THE LAND REVENUE COMMISSIONER,**
COMMISSIONERATE OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSEUM ROAD,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033.

3 **THE DISTRICT COLLECTOR,**
COLLECTORATE, CIVIL STATION ROAD,
KAANKATHU MUKKU, KOLLAM - 691 013.

4 **THE REVENUE DIVISIONAL OFFICER,**
RDO OFFICE, VIDYA NAGAR,
KOLLAM - 691 013.

5 **THE TAHSILDAR,**
TALUK OFFICE, KOTTARAKKARA TALUK,
MINI CIVIL STATION, KOTTARAKKARA,
KOLLAM - 691 506.

**6 THE VILLAGE OFFICER,
ITTIVA VILLAGE, VAYYANAM PO,
AYUR, KOLLAM - 691 533.**

**7 THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
STATE HIGH WAY -1, CHADAYAMANGALAM,
KOLLAM- 691 534.**

**R1-R7 BY SR.GOVERNMENT PLEADER
SRI.S.GOPINATHAN**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.01.2020, ALONG WITH WP(C).31515/2019(L), WP(C).31532/2019(N), WP(C).32019/2019(B), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JANUARY 2020 / 7TH MAGHA, 1941

WP(C).No.31532 OF 2019(N)

PETITIONER :

K RAHIM,
AGED 41 YEARS,
SON OF KAASIMKUNJU,
RESIDING AT KAARUNYAM,
VAYYANAM P.O., AYUR,
KOLLAM 691 533.

BY ADVS.
SMT.REKHA VASUDEVAN
SMT.V.DEEPA

RESPONDENTS :

1 **STATE OF KERALA,**
PREDESTINED BY THE ADDITIONAL CHIEF SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

2 **THE LAND REVENUE COMMISSIONER,**
COMMISSIONERATE OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSUEUM ROAD,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033.

3 **THE DISTRICT COLLECTOR,**
COLLECTORATE, CIVIL STATION ROAD,
KAANKATHU MUKKU, KOLLAM - 691 013.

4 **THE REVENUE DIVISIONAL OFFICER,**
RDO OFFICE, VIDYA NAGAR,
KOLLAM - 691 013.

5 **THE TAHSILDAR ,**
TALUK OFFICE, KOTTARAKARA TALUK,
MINI CIVIL STATION, KOTTARAKARA,
KOLLAM - 691 506.

**6 THE VILLAGE OFFICER,
ITTIVA VILLAGE, VAYYANAM P.O.,
AYUR , KOLLAM - 691 533.**

**7 THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
STATE HIGHWAY-1, CHADAYAMANGALAM,
KOLLAM - 691 534.**

**R1-R7 BY SR.GOVERNMENT PLEADER
SRI.S.GOPINATHAN**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.01.2020, ALONG WITH WP(C).31515/2019(L), WP(C).31521/2019(M), WP(C).32019/2019(B), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JANUARY 2020 / 7TH MAGHA, 1941

WP(C).No.32019 OF 2019(B)

PETITIONER :

JOSEPH JOSEPH,
AGED 61 YEARS,
SON OF THE LATE JOSEPH,
RESIDING AT CHITTARACKAL VEEDU,
VAYYANAM P.O., AYUR,
KOLLAM - 691 533

BY ADVS.
SMT.REKHA VASUDEVAN
SMT.V.DEEPA

RESPONDENTS :

1 **STATE OF KERALA,**
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001

2 **THE LAND REVENUE COMMISSIONER,**
COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSEUM ROAD,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033

3 **THE DISTRICT COLLECTOR,**
COLLECTORATE, CIVIL STATION ROAD,
KAANKATHU MUKKU, KOLLAM - 691 013

4 **THE REVENUE DIVISIONAL OFFICER,**
RDO OFFICE, VIDYA NAGAR, KOLLAM -691 013

5 **THE TAHSILDAR,**
TALUK OFFICE, KOTTARAKARA TALUK,
MINI CIVIL STATION, KOTTARKARA,
KOLLAM - 691 605

6 THE VILLAGE OFFICER.,
ITTIVA VILLAGE, VAYYANAM P.O.,
AYUR, KOLLAM - 691 533

7 THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
STATE HIGHWAY-1, CHADAYAMANGALAM,
KOLLAM - 691 534

R1 TO R7 BY SR.GOVERNMENT PLEADER
SRI.S.GOPINATHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.01.2020, ALONG WITH WP(C).31515/2019(L), WP(C).31521/2019(M), WP(C).31532/2019(N), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This batch of writ petitions pertains to effecting transfer of registry of the properties purchased by them by a registered deed. The transfer of registry was denied on account of pendency of I.P.No.3/1100 (ME) on the file of District Court, Kollam. This I.P. was filed by one Koya Kunju who had extensive properties in various parts of the State. The official receiver was also appointed in I.P. The I.P. proceedings are stated to be pending even now.

2. There were writ petitions with similar prayers in W.P.(C)No.17048/2010 and connected matters. This Court after noting pendency of I.P., vide judgment dated 7.12.2010, ordered to effect transfer of registry and to accept basic tax. This was essentially taking note of the fact that the petitioners therein claimed title based on a purchase certificate issued by the Land Tribunal.

3. The purchase certificate issued by the Land Tribunal under the Kerala Land Reforms Act is having conclusive nature as to the title and interest in relation to the property, which is the subject matter of proceedings for issuing a purchase certificate. Therefore, unless and until, such purchase certificate is challenged in appropriate proceedings, the Revenue Authority or any other Authority cannot deny the transfer of registry being effected. If that being so, the petitioners are able to trace out title through the purchase certificate, necessarily, transfer of registry shall be effected on the petitioners based on the title deed produced by the petitioners.

4. The learned counsel for the petitioners submitted that in spite of directions of this Court in W.P.(C)No.17048/2019, the Revenue Authority in those cases issued basic tax receipts and other revenue certificates with endorsement and therefore, such

endorsement would create unnecessary hurdle on enjoyment of the property.

5. As observed in the afore noted paragraph, if the petitioners claim title based on a purchase certificate issued by the Land Tribunal, after effecting transfer of registry, the Revenue Authority shall issue revenue certificate including the basic tax receipt without any endorsement.

6. The directions in this writ petition will not preclude those who are aggrieved by issuance of purchase certificate to challenge the same in an appropriate forum.

7. Needful shall be done on the basis of directions of this Court within a period of one month. It is made clear that once transfer of registry is effected, no endorsement shall be made on the revenue certificate in regard to the pendency of the I.P. or any other cases.

If any of the petitioners who is having purchase certificate present an instrument for the registration, the registering authority also should register the instrument in accordance with law.

These writ petitions are disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE
JUDGE

APPENDIX OF WP(C) 31515/2019

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE SETTLEMENT DEED NO.4398 OF 1987 DATED 16.12.1987 REGISTERED WITH THE 7TH RESPONDENT.**
EXHIBIT P2	**TRUE COPY OF THE LAND TAX RECEIPT DATED 14.8.1995 ISSUED IN THE NAME OF PETITIONER.**
EXHIBIT P3	**TRUE COPY OF THE JUDGMENT DATED 7.12.2010 IN WPC NO.17048 OF 2010 OF THIS HONOURABLE COURT.**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 1.11.2014 IN I.A.NO.746/2013 IN IP 03/100 (ME) OF THE ADDITIONAL SUB JUDGE KOLLAM.**
EXHIBIT P5	**TRUE COPY OF THE FORWARDING LETTER NO.L.R.(J)1/32163/2019 DATED 20.8.2019 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER OF THE 2ND RESPONDENT ALONG WITH THE G.O(RT) NO.427/2017/RD DATED 4.2.2017 ISSUED BY THE IST RESPONDENT ALONG WITH THE REPORT SUBMITTED BY SRI. SABEEN SAMAD, THE ASSISTANT COMMISSIONER (L.A)**

APPENDIX OF WP(C) 31521/2019

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE SALE DEED 4666 OF 1974 DATED 30.12.1974 REGISTERED WITH THE 7TH RESPONDENT.**
EXHIBIT P2	**TRUE COPY OF THE DEATH CERTIFICATE DATED 28.08.2003 ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, THIRUVANANTHAPURAM CORPORATION.**
EXHIBIT P3	**TRUE COPY OF THE JUDGMENT DATED 07.12.2010 IN W.P(C) .NO. 17048 OF 2010 OF THIS HONOURABLE COURT.**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 01.11.2014 IN I.A NO. 746/2013 IN IP 03/100(ME) OF THE ADDITIONAL SUB JUDGE, KOLLAM.**
EXHIBIT P5	**TRUE COPY OF THE FORWARDING LETTER NO.L.R.(J)1/32163/2019 DATED 20.08.2019 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER OF THE 2ND RESPONDENT ALONG WITH THE G.O(Rt) NO.427/2017/RD DATED 04.02.2017 ISSUED BY THE 1ST RESPONDENT ALONG WITH THE REPORT SUBMITTED BY SRI SABEEN SAMAD, THE ASSISTANT COMMISSIONER (L.A)**
EXHIBIT P6	**TRUE COPY OF THE LAND TAX RECEIPT DATED 30.01.2019 ISSUED BY THE 6TH RESPONDENT.**

APPENDIX OF WP(C) 31532/2019

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE LAND ASSIGNMENT CERTIFICATE DATED 15.11.1973 ISSUED BY THE LAND TRIBUNAL TO THE LATE M.T. CHACKO.**
EXHIBIT P2	**TRUE COPY OF THE SALE DEED NO. 876 DATED 22.03.2002 REGISTERED WITH THE CHADAYAMANGALAM SUB REGISTRAR OFFICE.**
EXHIBIT P3	**TRUE COPY OF THE JUDGMENT DATED 07.12.2020 IN WPC NO. 17048 OF 2010 OF THIS HONOURABLE COURT.**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 01.11.2014 IN I.A. NO. 746/2013 IN IP 03/1100 (ME) OF THE ADDITIONAL SUB JUDGE, KOLLAM.**
EXHIBIT P5	**TRUE COPY OF THE FORWARDING LETTER NO. L.R.(J)1/32163/2019 DATED 08.08.2019 ISSUED BY THE STATE PUBLIC INFORMATION OFFICE OF THE 2ND RESPONDENT ALONG WITH THE G.O.(RT) NO. 427/2017/RD DATED 04.02.2017 ISSUED BY THE 1ST RESPONDENT ALONG WITH TH REPORT SUBMITTED BY SRI. SABEEN SAMAD, THE ASSISTANT COMMISSIONER (L.A).**

APPENDIX OF WP(C) 32019/2019

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE GIFT DEED NO.2635/1986 DATED 23.06.1986 EXECUTED IN FAVOUR OF THE PETITIONER**
EXHIBIT P2	**TRUE COPY OF THE DEATH CERTIFICATE DATED 24.05.2013 ISSUED BY THE SECRETARY AND REGISTRAR, BIRTHS AND DEATHS, NEDUPANA GRAMA PANCHAYAT**
EXHIBIT P3	**TRUE COPY OF THE JUDGMENT DATED 07.12.2010 IN WP(C) NO.17048 OF 2010 OF THIS HONOURABLE COURT**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 01.11.2014 IN I.A.NO.746/2013 IN IP 03/1100 (ME) OF THE ADDITIONAL SUB JUDGE, KOLLAM**
EXHIBIT P5	**TRUE COPY OF THE FORWARDING LETTER NO L.R(J) 1/32163/2019 DATED 20.08.2019 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER OF THE 2ND RESPONDENT ALONG WITH THE G.O(RT) NO.427/2017/RD DATED 04.02.2017 ISSUED BY THE 1ST RESPONDENT ALONG WITH THE REPORT SUBMITTED BY SRI.SABEEN SAMAD, THE ASSISTANT COMMISSIONER (L.A.)**
EXHIBIT P6	**TRUE COPY OF THE LAND TAX RECEIPT DATED 21.02.209 ISSUED BY THE 6TH RESPONDENT**