

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9756 of 2015 (T)

PETITIONER(S) :

- 1. ANISH JOSE, AGED 41 YEARS, S/O.K.I.JOSE
RESIDING AT KARIKKATTU PARAMBU, KANJIRAPPALLY VILLAGE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT, PIN-686 507.**
- 2. CHANDINI ANISH, W/O.ANISH JOSE, AGED 35 YEARS,
RESIDING AT KARIKKATTU PARAMBU, KANJIRAPPALLY VILLAGE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT, PIN-686 507.**
- 3. K.I.JOSE, S/O.ITTIYAVIRA, AGED 71 YEARS,
RESIDING AT KARIKKATTU PARAMBU, KANJIRAPPALLY VILLAGE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT, PIN-686 507.**
- 4. JOSE PHILIP, S/O.A.A.JOSEPH ALUMPARAMBIL, AGED 56 YEARS,
RESIDING AT C6, SEAVIEW FLATS, BROADWAY (PO),
ERNAKULAM VILLAGE, KANAYANNUR TALUK, PIN-682 031.**

**BY SRI.N.N.SUGUNAPALAN (SENIOR ADVOCATE)
ADV. SRI.S.SUJIN**

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
KOOVAPPALLY VILLAGE, KOOVAPPALLY VILLAGE OFFICE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT- 686 001.**
- 2. THE TAHSILDAR,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT- 686 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM -695 001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE DOCUMENT NO.1355/14 DATED 08-10-2014 IN RESPECT OF THE PROPERTY HELD BY THE 1ST PETITIONER.
- EXT.P2: TRUE COPY OF THE DOCUMENT NO.1357/14 DATED 08-10-2014 IN RESPECT OF THE PROPERTY HELD BY THE 2ND PETITIONER.
- EXT.P3: TRUE COPY OF THE DOCUMENT NO.1356/14 DATED 08-10-2014 IN RESPECT OF THE PROPERTY HELD BY THE 3RD PETITIONER.
- EXT.P4: TRUE COPY OF THE DOCUMENT NO.1358/14 DATED 08-10-2014 IN RESPECT OF THE PROPERTY HELD BY THE 4TH PETITIONER.
- EXT.P5: TRUE COPY OF APPLICATION FOR MUTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P6: TRUE COPY OF APPLICATION FOR MUTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P7: TRUE COPY OF APPLICATION FOR MUTATION SUBMITTED BY THE 3RD PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P8: TRUE COPY OF APPLICATION FOR MUTATION SUBMITTED BY THE 4TH PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P9: TRUE COPY OF THE REPORT DATED 22-11-2014 SUBMITTED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P10: TRUE COPY OF THE COMMUNICATION DATED 27-02-2015 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.
- EXT.P11: TRUE COPY OF THE COMMUNICATION DATED 27-02-2015 ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER.
- EXT.P12: TRUE COPY OF THE COMMUNICATION DATED 27-02-2015 ISSUED BY THE 1ST RESPONDENT TO THE 3RD PETITIONER.
- EXT.P13: TRUE COPY OF THE COMMUNICATION DATED 27-02-2015 ISSUED BY THE 1ST RESPONDENT TO THE 4TH PETITIONER.
- EXT.P14: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C).NO.28593/13.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY/

P.A.TO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9756 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"a. Issue a writ of certiorari or any other appropriate writ, order or direction quashing Exts. P10 to P13 communications issued by the 1st respondent to the petitioners.

b. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 1 and 2 to effect mutation in favour of the petitioners under the Transfer of Registry Rules, in respect of the properties held by them under Exts.P1 to P4 documents

c. Award to the petitioner the costs of these proceedings.

d. Grant such other or further relief as this Hon'ble Court deems fit to grant in the particular facts and circumstances of the case."

The learned counsel for the petitioners places reliance on the decision rendered by this Court in **Devassia v. Sub Registrar** (2015 (1) KLT 825) and seeks to extend similar benefit to the petitioners.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the petitioners are also entitled to have similar reliefs. The operative portion of the above verdict reads as follows:

“14. In view of the above, these writ petitions are disposed with the following directions”

i. There shall be a direction to the Revenue Officials to effect mutation in respect of the properties obtained by the purchasers based on valid title.

ii. If any of the properties are found to be converted before or after the purchase, the Revenue Officials are free to bring it to the notice of the Taluk Land Board or the appropriate Authorities to include the property in the account of the holder of land at the time of exemption for the purpose of ceiling.

iii. The registering authority shall not insist for no-objection certificate for the reason that the land is exempted land for the purpose of registration.

iv. The transfer of exempted land as a whole or in part can be acted upon for the purpose of registration or effecting mutation.

v. In the light of the directions above, the Registering Authority and Revenue Officials are directed to do the needful in these matters to register the document and effect mutation within a period of four weeks from date of receipt of a copy of this judgment. No costs.”

The writ petition is disposed of in similar lines granting similar benefit to the petitioners herein as well. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P.R. RAMACHANDRA MENON,
JUDGE.**

pn/kp/-