

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937**

**WP(C).No. 26511 of 2015 (L)**  
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**PETITIONER(S):**  
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**RAJU,  
S/O. KUMARAN, MANGALAMPARAMBU COLONY,  
MANAKKAPADY, KARUMALLOOR KARA,  
KARUMALLOOR, PARAVOOR.**

**BY ADV. SRI.T.RAJESH.**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE CHIEF SECRETARY,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM- 695 001.**
- 2. PRINCIPAL SECRETARY,  
REVENUE (A) DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM- 695 001.**
- 3. ADDITIONAL TAHSILDAR,  
NORTH PARAVUR TALUK, PARAVOOR -683 513.**
- 4. VILLAGE OFFICER,  
KARUMALLOOR VILLAGE, KARUMALLOOR -683 511.**
- 5. THE SUB REGISTRAR,  
CHENGAMANADU SUB REGISTRY OFFICE,  
CHENGAMANADU -683 103.**

**BY GOVT. PLEADER SMT.C.K. SHERIN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 THE TRUE COPY OF THE PATTa NO.11800 DATED 12-09-1996 ISSUED TO THE PETITIONER.
- EXHIBIT P2 THE TRUE COPY OF THE BASIC TAX RECEIPT FOR THE CURRENT FINANCIAL YEAR ISSUED BY THE 4TH RESPONDENT DATED 05/06/2015.
- EXHIBIT P3 THE TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE 4TH RESPONDENT DATED 06/06/2015.
- EXHIBIT P4 THE TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE SECRETARY KARUMALLOOR GRAMA PANCHAYATH DATED 05/06/2015.
- EXHIBIT P5 THE TRUE COPY OF THE AGREEMENT FOR SALE DATED 15/05/2015 OF THE PROPERTY COVERED BY EXT.P1.
- EXHIBIT P6 THE TRUE COPY OF THE SALE DEED GOT PREPARED BY THE PETITIONER DATED 10/08/2015.
- EXHIBIT P7 THE TRUE COPY OF THE CONSENT ISSUED BY THE PANCHAYATH DATED 29/11/2013.
- EXHIBIT P8 THE TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 11/08/2015.
- EXHIBIT P9 THE TRUE COPY OF THE REPORT SUBMITTED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT DATED 11/08/2015.
- EXHIBIT P10 THE TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 20-08-2015 IS ALLOWING TRANSFER.
- EXHIBIT P11 THE TRUE COPY OF THE G.O(K) NO.289/2015/REV DATED 30-06-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.26511 of 2015**

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Dated this the 30<sup>th</sup> day of September, 2015

**JUDGMENT**

The petitioner is a beneficiary of Laksham Veedu Scheme. The petitioner has been assigned with Patta in the year 1996. Ext.P1 is the Patta. There is no restriction in Ext.P1 Patta regarding alienation. The Government issued Ext.P11 order dated 30.6.2015 whereby certain restriction has been placed transferring Laksham Veedu land covered under Laksham Veedu Patta. The petitioner aggrieved by the action of the Sub Registrar in refusing to register the document presented by the petitioner for registration conveying the property covered by Patta.

2. This Court is of the view, in view of Ext.P1 Patta, which do not contain any restriction regarding alienation, the Registering Authority cannot refuse registration.

3. It is seen in Ext.P10, issued by the Additional Tahsildar that the original Patta has to be cancelled and fresh Patta has to be issued by incorporating restriction for alienation. This Court is

of the view, it is beyond the scope of the Additional Tahsildar to make such an order as the Tahsildar is also bound by the terms and conditions in Ext.P1. It cannot be varied by any subsequent terms and conditions unless such right is reserved while granting Patta as per Ext.P1. Therefore, following directions are issued:

- i. The fifth respondent is directed to register Ext.P6 or any other document conveying the property covered by Ext.P1.
- ii. It is ordered that no restriction can be imposed on the transfer of alienation or encumbrance of the land by the revenue officials.
- iii. It is also ordered that earlier Patta cannot be revoked on account of transfer effected by the petitioner.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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