

M.Aboobacker Vs. the District Collector

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : M.Aboobacker

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 WP(C).No. 26727 of 2013 (M) ----- PETITIONER : ----- M.ABOOBACKER, S/O.M.S.A.VEERAN, AGED 39 YEARS AYIKATTUTHEKKETHIL, KEERIKADU, KAYAMKULAM P.O. KARTHIKAPALLY- 690 502. BY ADV. SRI.ARUN B.VARGHESE RESPONDENT(S) : ----- 1. THE DISTRICT COLLECTOR KOLLAM - 691 001.

2. THE ADDITIONAL TAHASILDAR TALUK OFFICE, KARUNAGAPALLY- 690 518.

3. THE REVENUE DIVISIONAL OFFICER OFFICE OF THE RDO, KOLLAM- 691 001. R1 TO R3 BY GOVT. PLEADER SRI. JOSEPH GEORGE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31-10-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mn ...2/-

WP(C).No. 26727 of 2013 (M) ----- APPENDIX
PETITIONER(S)' EXHIBITS : ----- EXT. P1- TRUE
COPY OF THE SALE DEED NO.4269/12 EXECUTED IN FAVOUR OF THE
PETITIONER. EXT. P2- TRUE COPY OF THE APPLICATION DATED1810.13
SUBMITTED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION
ACT. EXT. P3- TRUE COPY OF THE LETTER NO.D2 19091/13 DATED276.13
ISSUED BY THE2D RESPONDENT. EXT. P4- TRUE COPY OF THE LETTER
DATED278.13 ISSUED BY THE GOVERNMENT PLEADER, KARUNAGAPALLY
TO THE2D RESPONDENT. EXT. P5- TRUE COPY OF THE LETTER NO.D2
19091/13 DATED29.13 ISSUED BY THE2D RESPONDENT TO THE3D
RESPONDENT. EXT. P6- TRUE COPY OF THE LETTER DATED249.13 ISSUED
BY THE3D RESPONDENT TO THE2D RESPONDENT. RESPONDENT(S)'
EXHIBITS : NIL ----- //TRUE COPY// P.A.
TO JUDGE Mn P.R. RAMACHANDRA MENON, J.

===== W.P.(C). No. 26727 of 2013
----- Dated this the 31st day of October, 2013

JUDGMENT

The petitioner is the owner of the property having an extent of 14.60 Ares of land comprised in Re.Sy No.331/8 of Pavumba Village covered by Ext.P1 Sale Deed. After purchase of the property, the petitioner filed application for effecting mutation and to have entries in the revenue records in terms of Transfer of Registry Rules. However, no positive action was taken by the concerned respondents alleging the pendency of some matrimonial appeal before the Family Court between the vendor to Ext.P1 and her husband. This necessitated calling for legal opinion from the Government Pleader and as discernible from Exts. P3 and P4 issued in this regard, it is stated by the learned counsel for the petitioner that no impediment can be there to effect mutation. It is stated that the matter is simply protracted and hence the writ petition.

2. Heard the learned Government Pleader as well.

3. Going by the contents of Ext.P6 issued by the 3rd W.P.C. No. 26727 of 2013 -2-respondent to the 2nd respondent and since the application preferred by the

petitioner is still pending, this Court finds it fit and proper to cause the matter to be considered and finalized in accordance with the relevant provisions of the Transfer of Registry Rules. Accordingly, there will be a direction to the 2nd respondent to consider the application preferred by the petitioner for effecting mutation of the property covered by Ext.P1 and appropriate orders shall be passed in accordance with law, after giving an opportunity of hearing to the petitioner at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of. P.R. RAMACHANDRA MENON, JUDGE. kp/-

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