

Arjun Sha vs Addl.Tahsildar

Arjun Sha vs Addl.Tahsildar

SooperKanoon Citation : sooperkanoon.com/1297260

Court : Kerala

Decided On : Feb-16-2024

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/6806/2015

Appellant : Arjun Sha

Respondent : Addl.Tahsildar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL FRIDAY,
THE 16TH DAY OF FEBRUARY 2024 / 27TH MAGHA, 1945 WP(C) NO.
6806 OF 2015 PETITIONER: ARJUN SHA AGED 13 YEARS, S/O.SHA
PRAKASAM, MINOR THAIKKOOTHATHIL HOUSE,
MARAVANTHURUTHU PO, VAIKOM KOTTAYM DISTRICT
REPRESENTED BY HIS FATHER AND GUARDIAN SHA PRAKASAM
S/O. T.K.PRAKASAM, AGED 50 YEARS, THAIKKOOTHATHIL HOUSE,
MARAVANTHURUTHU PO, KOTTAYAM DISTRICT PIN BY ADVS.
SRI.P.M.NATESAN SRI.P.N.SASIDHARAN RESPONDENTS: 1
ADDL.TAHSILDAR OFFICE OF THE TAHASILDAR, VAIKOM TALUK,
KOTTAYAM DISTRICT PIN 686 141 2 VILLAGE OFFICER

KULASEKHARAMANGALAM VILLAGE, VAIKOM TALUK PIN 686 608

3 SHERLY W/O.LATE JEEVAPRASAD , AGED 56 YEARS,
KARIPPAYIL HOUSE, PANAVALLY PO, CHERTHAL, ALAPPUZHA
DISTRIC PIN 688 566 4 SHEEBA PRAKASAM W/O.LATE JAYAROY,
AGED 52 YEARS, PADINJARE EDATHIL HOUSE,
ARATTUKULANGARA, VAIKOM PO 686 141 5 SHINE PRAKASAM,
AGED 44 YEARS, S/O.LATE T.K.PRAKASAM, THAIKOOOTHATHIL
HOUSE, MARAVANTHURUTHU PO, VAIKOM, KOTTAYAM DISTRICT
PIN 686 608 BY ADVS. SRI.R.S.KALKURA SRI.M.S.KALESH OTHER
PRESENT: SR GP SRI T K VIPINDAS THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 16.02.2024, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Petitioner has approached this court with the following prayers: i) Issue a writ of certiorari or any other appropriate writ

order or direction calling for the records leading to

Ext.P7 and quash the same. ii) Issue a writ of mandamus or any other appropriate writ

order or direction directing the 1st respondent to

effect mutation of the available extent of properties proportionately among all the beneficiaries of Ext.P5 will. iii) Issue a writ of mandamus or any other appropriate writ

order or direction directing the 1st respondent to

consider Ext.P8 review petition within a time frame that may be fixed by this Honble Court.

2. Vide Ext.P7, it is ordered to effect mutation by ignoring

the share allotted to the minor in the Will. I am of the view that the disputed question of fact cannot be adjudicated by this court. Ext.P7 is appealable under Rule 18 of the Transfer of Registry Rules, before the Revenue Divisional Officer. Petitioner is relegated to avail the remedy of appeal. In case the appeal is preferred within a period of two months, the objection qua limitation would not be taken. With the aforementioned observations, writ petition stands disposed of. Sd/- Amit Rawal Judge vpv APPENDIX OF WP(C) 6806/2015 PETITIONER EXHIBITS EXT.P1 TRUE PHOTOSTAT COPY OF THE SALE DEED NO. FAVOUR OF THE GRANDFATHER OF THE PETITIONER. EXT.P2 THE PHOTOSTAT COPY OF KYCHIT DATED 10.07.1958 IN OS.NO.567/1123 ME IN FAVOUR OF THE GRANDFATHER OF THE PETITIONER. EXT.P3 TRUE PHOTOSTAT COPY OF DEATH CERTIFICATE HYMAVATHY DT 29.01.2015 ISSUED FROM TV.PURAM GRAMA PANCHAYATH EXT.P4 TRUE COPY OF THE DEATH CERTIFICATE OF T.K. PRAKASAM DATED 03.07.2012 ISSUED FROM THE MARAVANTHURUTH GRAMA PANCHAYATH EXT.P5 TRUE PHOTOSTAT COPY OF REGISTERED WILL

BEARING REGISTRATION NO.III/34/2004 DATED 12.08.2004 OF THE THALAYOLAPARAMBU SUB REGISTRY EXECUTED BY THE GRANDFATHER OF THE PETITIONER

EXT.P6 TRUE PHOTOSTAT COPY OF THE GIFT DEED DATED 21.10.2005 EXECUTED BY THE GRANDFATHER IN FAVOUR OF PETITIONERS FATHER EXT.P7 TRUE PHOTOSTAT COPY OF THE ORDER BEARING NO. D6-4647/13 DATED 31.12.2014 ISSUED BY THE 1ST RESPONDENT EXT.P8 TRUE PHOTOSTAT COPY OF REVIEW PETITION DATED 01.01.2015 SUBMITTED BY THE FATHER OF THE PETITIONER BEFORE R1.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com