

Sadanandan V K vs State of Kerala Represented by Additional Chief Secretary

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Court : Kerala

Decided On : Sep-15-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/29619/2023

Appellant : Sadanandan V K

Respondent : State of Kerala Represented by Additional Chief Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 15TH DAY OF SEPTEMBER 2023 / 24TH BHADRA, 1945 PETITIONER/S: 1 SADANANDAN V K AGED 62 YEARS S/O KITTU KRISHNAN, VELIPARAMBIL HOUSE, KONTHURUTHY, THEVARA SO, ERNAKULAM, KERALA, PIN - 682013 2 DIVYA V S AGED 35 YEARS D/O SADANANDAN VK, VELIPARAMBIL 192, KONTHURUTHY, THEVARA SO, ERNAKULAM, KERALA, PIN - 682013 BY ADVS. K.M.SANAL S.SREELEKSHMI KARTHA RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ADDITIONAL CHIEF SECRETARY DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 REVENUE DIVISIONAL OFFICER OFFICE OF SUB COLLECTOR, FIRST FLOOR, KB JACOB RD, FORT KOCHI, KOCHI, KERALA, PIN - 682001 3 VILLAGE OFFICER VILLAGE OFFICE,ELAMKULAM VILLAGE, GANDHINAGAR ROAD, KADAVANTHARA, MIG AND HIG COLONY, GANDHI NAGAR, ELAMKULAM, ERNAKULAM, KERALA, PIN - 682020 4 TAHASILDAR KANAYANNUR TALUK KANAYANNUR TALUK OFFICE,KANAYANNUR TALUK, PARK AVENUE, NEAR SUBHASH PARK, MARINE DRIVE, KOCHI, KERALA, PIN - 682011

OTHER PRESENT: ADV DEVISHRI R - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== W.P.(C)No.29619 of 2023
----- Dated this the 15th day of
September 2023

JUDGMENT

First petitioner was the owner of 1.62 Ares of property in Sy.No.941/13 of Elamkulam Village, Kanayannoor Taluk, Ernakulam District. Since the property was wrongly classified as a paddy land, he applied for removing the property from the data bank and an order was issued directing the property to be removed from the data bank.

2. Subsequently, on the basis of an application filed under Form

6, the Revenue Divisional Officer directed the change of entries in the revenue records as per its order dated 27.05.2022. Later, petitioner executed a gift deed in favour of the 2nd petitioner - his daughter.

3. In the meantime, when petitioners verified the revenue records,

it was realised that the entries had not yet been changed as directed in Ext.P4. Despite Ext.P4 order, entries in the revenue records had not been changed, petitioner submitted an application to the 2 nd respondent requesting him to direct the entries in the revenue records to be changed as ordered earlier. According to the 1st petitioner, it was informed from the office of the 4th respondent that the entries cannot be varied despite Ext.P4 order, as he had subsequently transferred the property in the name of the 2nd petitioner.

4. I have heard Sri.K.M.Sanal, learned Counsel for the petitioner as well as Smt.Devishri, learned Government Pleader.

5. Merely because the property was transferred by the 1 st

petitioner to the 2nd petitioner, after an order under Form 6, of the Kerala Conservation of Paddy Land and Wetland Rules, 2008, the same can not affect the nature of order already issued. A direction to change the nature of entries in the revenue records runs with the land and cannot affect transactions on the property. Successor-in-interest merely steps into the shoes of the predecessor and all rights, obligations and liabilities on the property will continue to remain with the property.

6. Since by virtue of the order dated 27.05.2022, the 2 nd

respondent had directed the entries in the revenue records of the property be changed, the said order will run the land. Subsequent transfer of property cannot have any bearing on the binding nature of the said order. Therefore, the respondents 3 and 4 are bound to abide by the order in Ext.P4 and carry out the charges.

7. In the above circumstances, there will be a direction to the 4 th

respondent to effect changes in the property of the 1 st petitioner, now transferred to the 2nd petitioner as directed in Ext.P4, as expeditiously as possible, at any rate within a period of 30 days from the date of receipt of a copy of this judgment. The

writ petition is disposed of accordingly. BECHU KURIAN THOMAS JUDGE jm/
APPENDIX OF WP(C) 29619/2023 PETITIONER EXHIBITS

Exhibit P1

TRUE COPY OF THE FORM 6 APPLICATIONExhibit

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