

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 20TH DAY OF DECEMBER 2016/29TH AGRAHAYANA, 1938

WP(C).No. 37220 of 2016 (B)

PETITIONER:

**AHAMMED,
S/O.HASSANKUTTY, AGED 68 YEARS,
OTTAYIL HOUSE, THALAKKAD AMOSM DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, MALAPPURAM,
COLLECTORATE, POST MALAPPURAM, PIN-676 505.**
- 2. THE REVENUE DIVISIONAL OFFICER,
TIRUR, TIRUR REVENUE DIVISIONAL OFFICE,
POST TIRUR, MALAPPURAM DISTRICT, PIN-676 101.**
- 3. TAHSILDAR, TIRUR TALUK OFFICE,
POST TIRUR, MALAPPURAM DISTRICT,
PIN-676 101.**
- 4. THE SUB-REGISTRAR,
SRO KODAKKAL, POST ALATHIYUR,
TIRUR TALUK, MALAPPURAM DISTRICT,
PIN-676 101.**
- 5. THE TALUK LAND BOARD, TIRUR, POST TIRUR,
PIN-676 101, REPRESENTED BY ITS CHAIRMAN.**

BY SR GOVERNMENT PLEADER SMT. K.R.DEEPA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-12-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 37220 of 2016 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF DOCUMENT NO.219/1996 OF SRO KODAKKAL
DTD 21/1/96
- EXHIBIT P2 THE TRUE COPY OF LAND TAX RECEIPT DTD 15/1/2016
- EXHIBIT P3 THE TRUE COPY OF POSSESSION CERTIFICATE DTD 15/1/2016
- EXHIBIT P4 THE TRUE COPY OF ENCUMBRANCE CERTIFICATE DTD 2/11/2016
- EXHIBIT P5 THE TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD
RESPONDENT TO THE 4TH RESPONDENT DTD 22/5/2008
- EXHIBIT P6 THE TRUE COPY OF THE ORDER DTD 23/2/2008 ISSUED BY THE 5TH
RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

SHAJI P. CHALY, J.

W.P.(C)No.37220 of 2016

Dated this the 20th day of December, 2016

J U D G M E N T

According to the petitioner, he is the owner and in possession of the property covered by Ext.P1 document bearing No.219/1996 of SRO Kodakkal dated 21.01.1996. The said property was originally belonging to the Kodakkal Tile Factory and the same was exempted for the purpose of factory under Section 81(c) of the Kerala Land Reforms Act. While so, the factory assigned this property to the petitioner. Subsequent to the transfer, the exemption has ceased and the Land Board has taken steps to take over the property of the factory as excess land. In the meanwhile, 3rd respondent issued a communication to the 5th respondent restraining the transfer of the lands of the factory including the property covered by Ext.P1 document. According to the petitioner, since the property was purchased in the year 1996, he has every right to transfer his property. However, due to

Ext.P5 communication issued by the 3rd respondent, 4th respondent is not accepting the documents for registering the property of the petitioner covered by Ext.P1 document. These are the circumstances pointed out by the petitioner to secure reliefs as sought for in the writ petition.

2. Heard learned counsel for the petitioner, learned Government Pleader and perused the documents on record and pleadings put forth by the petitioner.

3. The subject issue was considered by this Court in various writ petitions and has directed the respective Sub Registrars to register such documents subject to the enquiry pending under the Kerala Land Reforms Act. I think, petitioner is also entitled to get similar relief. In that view of the matter, if the petitioner produces any document in respect of property covered by Ext.P1 sale deed, same shall be registered. However proceedings and enquires pending against the transfer of the property with respect to the land in question under the provisions of the Kerala Land Reforms Act can be continued and any

sale registered will be subject to the result of the enquiry.

Writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY,
JUDGE.

rmm/20/11/2016

[True copy]

P.A. to Judge