

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 16TH DAY OF OCTOBER 2020 / 24TH ASWINA, 1942

WP(C).No.20808 OF 2020(A)

PETITIONER:

MANJUMMEL ST. JOSEPH HOSPITAL
MANJUMMEL MURI, MANJUMMEL P. O., ELOOR VILLAGE,
PARAVUR TALUK, ERNAKULAM, PIN - 683 501.

REPRESENTED BY ITS DIRECTOR FR. GODWIN THIMOTHY, AGED
42 YEARS, S/O. THIMOTHY, SUNDHARAGIRI, NJALAKAM KARA,
KALAMASSERY P. O., THRIKKAKARA NORTH VILLAGE,
ERNAKULAM DISTRICT, PIN - 683 104.

BY ADVS.
SRI.RASHEED C.NOORANAD
SMT.M.N.ANITHA

RESPONDENTS:

@neeharam

- 1 THE DISTRICT REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR,
ERNAKULAM - 682011.
- 2 THE SUB REGISTRAR
OFFICE OF THE SUB REGISTRAR, EDAPPALLY - 682 024.
- 3 THE VILLAGE OFFICER
THRIKKAKARA NORTH, ERNAKULAM, PIN - 682 033.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Ext P2 Sale Deed dated 24-9-2020 executed by the petitioner in favour of one Shine Antony and Neenu Cletus were refused to be registered by the 2nd respondent for failure to give details of the prior title deed. It is aggrieved thereby that this WP(C) is filed.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

3. Going by the recitals in Ext P2 Sale Deed it turns out that the basic document of title relating to the property is a Pattayam bearing No.646 issued by the Maharaja of Travancore. It appears that the pattayam was issued in favour of one Nicolas Verhouver for and on behalf of Manjummal Hospital. Going by the recitals in Ext P2 sale deed, it appears that the hospital was renamed as St.Joseph's Hospital. Exts P4 to P7 namely the settlement

register, land tax receipt and possession certificate indicates the holding of the property by the hospital. Be that as it may, the conveyance of the property by the petitioner in favour of the vendee could only be of rights that is available to the petitioner and cannot affect the rights of true owner, if any. Registration of Ext P2 sale deed, viewed in that manner, cannot affect the rights of any others interested and more so, even a possessory right could be assigned. Hence registration of the conveyance could be permitted. This is the view taken by this court in Ext.P8 judgment in WPC No.15549/2019.

4. Accordingly, the WP(C) is disposed of directing the 2nd respondent to register Ext P2 sale deed in accordance with law on complying with the necessary formalities.

Sd/-

Sathish Ninan, Judge

APPENDIX

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 THE TRUE COPY OF THE ENCUMBRANCE
CERTIFICATE DATED 23.09.2020.
- EXHIBIT P2 THE TRUE COPY OF THE SALE DEED DATED
24.09.2020.
- EXHIBIT P3 A TRUE COPY OF THE LETTER DATED
24.09.2020 ISSUED BY THE 2ND
RESPONDENT.
- EXHIBIT P4 A TRUE COPY OF THE SETTLEMENT
REGISTER DATED 07.03.2013.
- EXHIBIT P5 A TRUE COPY LETTER ISSUED BY THE
ADDL. TAHSILDAR DATED 29.07.2013.
- EXHIBIT P6 A TRUE COPY OF THE PRESENT LAND TAX
RECEIPT DATED 12.05.2020.
- EXHIBIT P7 A TRUE COPY OF THE POSSESSION
CERTIFICATE ISSUED BY THE VILLAGE
OFFICE, THRIKKAKARA NORTH DATED
13.03.2020.
- EXHIBIT P8 A TRUE COPY OF THE JUDGMENT IN WPC
NO. 15549/2019 DATED 19TH JUNE 2019.