

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 19TH DAY OF JUNE 2019 / 29TH JYAISHTA,
1941

WP(C).No.15549 of 2019

PETITIONER:

REV.FATHER GEORGE EDEZHAYATH
AGED 57 YEARS
VICAR, OUR LADY OF HOPE CHURCH, VYPIN, 682
508, ERNAKULAM DISTRICT.

BY ADVS.
SRI.P.E.SAJAL
SRI.S.KABEER

RESPONDENTS:

- 1 THE DISTRICT REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR, ERNAKULAM-
682 011.
- 2 THE SUB REGISTRAR
OFFICE OF THE SUB-REGISTRAR, KOCHI-682 002.
- 3 THE VILLAGE OFFICER
FORT KOCHI-682 001.

P M MANOJ GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19.06.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Petitioner seeks the following reliefs:

I) Issue a Writ of Mandamus or any other Writ, Order or Direction to the respondents to register the Exhibit P1 gift deed without insisting the prior deed details.

II) Declare that the inaction on the part of the respondents have no justification whatsoever;

And

III) To issue such other Writ, Order or Direction as this Honourable Court may deem fit and proper in the facts and circumstances of the case.

2. Petitioner is the Vicar of Our Lady Hope Church. As seen from the Revenue records the thandeper stands in the name of aforesaid church. Petitioner executed a gift deed in favour of one Joseph Shaji. Registering authority has refused to register the documents stating that petitioner fails to produce the prior deeds. This is how the petitioner approached this Court. It is

apparent that there are no prior deeds with the petitioner. There is no dispute in regard to the possession of property by the church. Possessory right is also a transferable right. Therefore, there is no difficulty in registering the documents, placing reliance on revenue records in regard to possession. However, this will be subject to claim of any true owner. Thus, there shall be a direction to Sub Registrar to register the gift deed in accordance with law without any delay.

The Writ Petition is disposed as above.

sd/-

A.MUHAMED MUSTAQUE

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 A TRUE COPY OF THE GIFT DEED DATED
25.3.2019 EXECUTED BY THE PETITIONER.
- EXHIBIT P2 A TRUE COPY OF THE PAY IN SLIP DATED
25.3.2019.
- EXHIBIT P3 A TRUE COPY OF THE BASIC TAX RECEIPT
IN THE PETITIONERS PROPERTY.
- EXHIBIT P4 A TRUE COPY OF THE THANDAPER REGISTER
IN THE PETITIONERS PROPERTY.
- EXHIBIT P5 A TRUE COPY OF THE APPLICATION DATED
25.3.2019 SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.
- EXHIBIT P6 A TRUE COPY OF THE OBJECTION LETTER
ISSUED BY THE 2ND RESPONDENT DATED
30.3.2019.