

Kerala High Court

Safia vs The Sub Collector on 16 October, 2015

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31712 of 2015 (L)

PETITIONER :

SAFIA,
AGED 45 YEARS, D/O. ALI
W/O. KOORIYADAN SAIDALI
P.O. PALANGARA, PIN - 679 330
AMRAMBATH AMSOM DESOM
NILAMBUR THALUK.

BY ADV. SRI.MAHBOOB ARUVEETIL

RESPONDENT(S) :

1. THE SUB COLLECTOR,
PERINTHALMANNA, PIN - 679 322.
2. THE SUB REGISTRAR
NILAMBUR, PIN - 679 329.

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...2/-

WP(C).No. 31712 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE DOCUMENT PRESENTED BY THE PETITIONER FOR
REGISTRATION.
- EXT.P2 COPY OF THE ORDER PASSED BY SUB REGISTRAR, NILAMBUR DT.
7/8/2015.
- EXT.P3 COPY OF THE ORDER PASSED BY SUB COLLECTOR,
PERINTHALMANNA.
- EXT.P4 COPY OF THE DATA BANK EXTRACT.
- EXT.P5 COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL
OFFICER, KARULAYI.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 31712 of 2015

Dated this the 16th October, 2015

JUDGMENT

Petitioner, aggrieved by the refusal to register a document presented before the Sub Registrar, has approached this Court.

As seen from Exhibit P3, an action has been initiated for reclamation of the land in violation of the Kerala Land Utilisation Order.

This Court is of the view that if the authorities are entitled to proceed against a property either under the Kerala Land Utilisation Order or under the Kerala Conservation of Paddy Land and Wetland Act, 2008, that cannot be a reason to deny registration of the property in accordance with law. Without prejudice to the right to proceed against the property, the document shall be registered, if otherwise is satisfied under the Registration Act.

The Writ Petition is disposed of as above.

A.MUHAMED MUSTAQUE JUDGE vgs17/10/15