

Kerala High Court

Rajan vs The Sub Registrar on 5 April, 2019

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 05TH DAY OF APRIL 2019 / 15TH CHAITHRA, 1941

WP(C).No.9623 of 2019

PETITIONER/S:

RAJAN, AGED 64 YEARS, S/O. CHELLAPPAN, RESIDING AT
KALAPURAKKAL VEEDU, NEETHIPURAM, ILAVAMPADAM P.O-678
684, KIZHAKKENCHERY AMSOM DESOM, KIZHAKKENCHERY-2
VILLAGE, ALATHUR TALUK.

BY ADVS.
SRI.P.R.VENKETESH
SRI.P.C.CHACKO(K)

RESPONDENT/S:

THE SUB REGISTRAR, VADAKKENCHERY, PALAKKAD DISTRICT-
678 683.

BY GOVERNMENT PLEADER, SRI.P.M.MANOJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05.04.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.9623/2019

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JUDGMENT

The petitioner has approached this Court seeking the following reliefs: a. issue a writ of mandamus or any appropriate writ, order or direction directing the respondent to receive Ext.P6 Settlement Deed and register the same in accordance with law within a time frame to be fixed by this Hon'ble Court; and b. issue such other or further orders as this Hon'ble Court may deem just and fit in the circumstances of the case.

2. The learned Government Pleader, on instructions, submits that the petitioner has not presented any document.

3. The learned counsel for the petitioner submits that the registering authority insisted for production of prior title deeds.

3. What is to be considered by the registering authority for registration is the competency of the persons to present the document to register the same. If the records of the registering authority would show that the petitioner is competent to present the document, the registering authority is bound to register the document notwithstanding that the petitioner fails to produce any prior documents. Further possessory right is also a right and interest in immovable property and alienable. Therefore, if the petitioner is able to produce some evidence to show that the petitioner is competent to alienate, the registering authority shall accept the document for registration.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE JUDGE In APPENDIX PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE TANDAPER ACCOUNT NO.4330 OF THE PETITIONER.

EXHIBIT P2 TRUE COPY OF THE LAND TAX RECEIPT DATED 20.03.2019.

EXHIBIT P3 TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.03.2019.

EXHIBIT P4 TRUE COPY OF EXTRACT OF BASIC TAX REGISTER IN RELATION TO THE PROPERTY OF THE PETITIONER. EXHIBIT P5 TRUE COPY OF ONLINE REGISTRATION RECEIPT FROM THE DEPARTMENT OF REGISTRATION, GOVT. KERALA. EXHIBIT P6 TRUE COPY OF THE SETTLEMENT DEED DATED 23.03.2019 PREPARED BY THE PETITIONER.

EXHIBIT P7 TRUE COPY OF THE DECISION OF THIS HON'BLE COURT REPORTED IN 2002(1) KLT 330.

EXHIBIT P8 TRUE COPY OF THE JUDGMENT DATED 16.2.2018 IN W.P(C) NO.2871/2018 OF THIS HON'BLE COURT. EXHIBIT P9 TRUE COPY OF THE JUDGMENT DATED 24.10.2018 IN W.P(C) NO.34514/2018 AND W.P(C) NO.34552/2018. RESPONDENTS EXHIBITS:NIL.

//TRUE COPY// P.A.TO JUDGE