

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JULY 2019 / 7TH SRAVANA, 1941

WP(C).No.15658 of 2019

PETITIONER:

THAMBAYIAMA E.V
AGED 84 YEARS
W/O V.M. NARAYANAN NAIR, PAVITHRAM HOUSE, BELLIKOTH ,
AJANUR, KASARAGOD DISTRICT-671 531.

BY ADVS.
SRI.P.K.VARGHESE
SRI.P.P.BIJU

RESPONDENTS:

- 1 THE SUB REGISTRAR,
SUB.REGISTRAR OFFICE, HOSDURG, KASARAGOD DISTRICT-671
315.
- 2 THE VILLAGE OFFICER,
ANANUR VILLAGE OFFICE, AJANUR P.O.KASARAGOD DISTRICT-
671 531.

BY ADV. GOVERNMENT PLEADER

SRGP S GOPINATHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.07.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner executed a gift deed in favour of her children in respect of property comprised in Survey No.356/1 of Ajanur Village, Hosdurg Taluk.

2. The Registering Authority refused to register the document stating that there were no prior title deeds.

3. The petitioner refers to Ext.P3 possession certificate. This would show that the petitioner is in possession of the land. The property appears to have been originally in the possession of grandmother of the petitioner namely Akku Amma. The petitioner submits that on demise of Akku Amma, the property was devolved upon her only child Parvathy Amma, petitioner's mother. It is seen that the basic tax was paid in the name of Akku Amma.

In such circumstances, there is no impediment in law in executing gift deed, transferring

interest, acquired based on the possession. However, the petitioner has to show that she is the only legal heir. On being satisfied that the petitioner is the legal heir, the Sub Registrar shall act upon the request of the petitioner to register the gift deed. Ordered accordingly.

The writ petition is disposed of as above.

sd/-

A. MUHAMED MUSTAQUE

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE LAND TAX DATED 5.10.2017
ISSUED BY THE 2ND RESPONDENT

EXHIBIT P2 TRUE COPY OF THE GIFT DEED ALONG WITH
ACKNOWLEDGMENT OF ONLINE TOKEN REGISTRATION
NO T-2337725.

EXHIBIT P2 A TRUE COPY OF THE GIFT DEED ALONG WITH
ACKNOWLEDGEMENT OF ONLINE TOKEN
REGISTRATION NO T-2339120.

EXHIBIT P2 B TRUE COPY OF THE GIFT DEED ALONG WITH
ACKNOWLEDGEMENT OF ONLINE TOKEN
REGISTRATION NO T-2337939

EXHIBIT P2 C TRUE COPY OF THE GIFT DEED ALONG WITH
ACKNOWLEDGMENT OF ONLINE TOKEN
REGISTRATIONS NO T-2337311.

EXHIBIT P2 D TRUE COPY OF THE GIFT DEED ALONG WITH
ACKNOWLEDGMENT OF ONLINE TOKEN REGISTRATION
NO T-2338886

EXHIBIT P3 TRUE COPY OF THE POSSESSION CERTIFICATE
DATED 23.11.2017 ISSUED BY THE 2ND
RESPONDENT

EXHIBIT P4 TRUE COPY OF THE LEGAL HEIR CERTIFICATE
DATED 16.6.2018 ISSUED FROM THE TAHSILDAR,
HOSDURG.

EXHIBIT P5 TRUE COPY OF THE NOTICE DATED 24.7.2018
ISSUED BY THE 1ST RESPONDENT

EXHIBIT P6 TRUE COPY OF THE JUDGMENT DATED 16.2.2018
IN WPC NO 2871/2018 OF THIS HON/BLE COURT

RESPONDENTS' EXHIBITS NIL

SAS/29/07/2019

//TRUE COPY//

P.A. TO JUDGE