

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF MAY 2018 / 8TH JYAISHTA, 1940

WP(C).No. 16654 of 2018

PETITIONER:

SIVASANKARAN,
AGED 63 YEARS, SON OF KELAMKUMARATH SINNAMMA,
KELAMKUMARATH, PUZHAKKATTIRI P.O,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADV.SRI.R.RAJESH KORMATH

RESPONDENTS:

1. THE SUB REGISTRAR,
PERINTHALMANNA, SUB REGISTRAR'S OFFICE,
PERINTHALMANNA, PERINTHALMANNA P.O,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT,
PIN-679 322.
2. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
TO GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.
3. THE DEPARTMENT OF REVENUE (E) ,
REPRESENTED BY SECRETARY TO DEPARTMENT OF REVENUE (E) ,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001
4. THE VILLAGE OFFICER,
ANGADIPPURAM, VILLAGE OFFICE, ANGADIPPURAM,
ANGADIPPURAM P.O, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT, PIN-679 322.
5. THE TAHSILDAR,
(LAND RECORDS) , PERINTHALMANNA,
TALUK OFFICE, PERINTHALMANNA,
PERINTHALMANNA (P.O) , PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT) ,PIN-679 322.

R1 TO R5 BY SR GOVERNMENT PLEADER SRI.S.GOPINATHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-05-2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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1/6/2018

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE REGISTERED - ASSIGNMENT DEED DATED 7.3.1991 OF SUB-REGISTRAR'S OFFICE, PERINTHALMANNA, EXECUTED BY VIJAYALAKSHMI-AMMA AND OTHERS IN FAVOUR OF THE PETITIONER.
- EXHIBIT P2 TRUE COPY OF THE REGISTERED-RECTIFICATION DEED DATED 3.11.2008 OF SUB-REGISTRAR'S OFFICE, PERINTHALMANNA EXECUTED BY REKHA IN FAVOUR OF THE PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE RECEIPT DATED 5.9.1991 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY.
- EXHIBIT P4 TRUE COPY OF THE RECEIPT DATED 6.7.1992 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY.
- EXHIBIT P5 TRUE COPY OF THE RECEIPT DATED 4.8.1993 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P6 TRUE COPY OF THE RECEIPT DATED 23.3.1995 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P7 TRUE COPY OF THE RECEIPT DATED 17.3.1998 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P8 TRUE COPY OF THE RECEIPT DATED 28.3.2000 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P9 TRUE COPY OF THE RECEIPT DATED 19.02.2001 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P10 TRUE COPY OF THE RECEIPT DATED 3.2.2003 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P11 TRUE COPY OF THE RECEIPT DATED 27.09.2004 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P12 TRUE COPY OF THE RECEIPT DATED 09.11.2005 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY

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- EXHIBIT P13 TRUE COPY OF THE RECEIPT DATED 1.8.2006 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY.
- EXHIBIT P14 TRUE COPY OF THE RECEIPT DATED 24.4.2007 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P15 TRUE COPY OF THE RECEIPT DATED 20.09.2008 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P16 TRUE COPY OF THE RECEIPT DATED 29.05.2009 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P17 TRUE COPY OF THE RECEIPT DATED 24.05.2010 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P18 TRUE COPY OF THE RECEIPT DATED 18.05.2011 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P19 TRUE COPY OF THE RECEIPT DATED 15.04.2012 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P20 TRUE COPY OF THE RECEIPT DATED 16.04.2012 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P21 TRUE COPY OF THE RECEIPT DATED 10.05.2013 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P22 TRUE COPY OF THE RECEIPT DATED 29.10.2014 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P23 TRUE COPY OF THE RECEIPT DATED 29.11.2017 ISSUED TO THE PETITIONER FOR PAYMENT OF BASIC TAX WITH RESPECT TO THE PROPERTY
- EXHIBIT P24 TRUE COPY OF THE POSSESSION - CERTIFICATE DATED 29.11.2017 ISSUED BY THE THIRD - RESPONDENT VILLAGE OFFICER TO THE PETITIONER WITH RESPECT TO THE PROPERTY
- EXHIBIT P25 TRUE COPY OF THE APPLICATION DATED 25.11.2017 REFERRED BY THE PETITIONER BEFORE THE FOURTH-RESPONDENT VILLAGE OFFICER.

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- EXHIBIT P26 TRUE COPY OF THE COMMUNICATION DATED 27.12.2017
ISSUED BY THE FIFTH-RESPONDENT TAHSILDAR TO THE
PETITIONER.
- EXHIBIT P27 TRUE-COPY OF THE JUDGMENT DATED 16.6.2017 IN WPC
NO.17291 OF 2017 ON THE FILE OF THIS HONOURABLE
COURT.
- EXHIBIT P28 TRUE COPY OF G.O. (RT) NO.2214/2012/RD DATED 13.4.2012
OF THE THIRD RESPONDENT DEPARTMENT.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

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1/6/2018

A. MUHAMED MUSTAQUE, J.

W.P. (C) No.16654 of 2018

Dated this the 29th day of May, 2018

J U D G M E N T

The petitioner approached this Court seeking the following reliefs:

- i) Issue a writ of mandamus or any other appropriate writ, direction or order commanding the first respondent to register the documents presented before him for registration in terms of 'The Registration Act, 1908', without insisting for production of R.O.R.
- ii) In the alternative, issue a writ of mandamus or any other appropriate writ, direction or order commanding the fourth respondent to issue thandaper account requested for in Ext.P25 application, within a time frame.

2. In the light of the judgment of this Court in **Synudheen vs. State of Kerala** (2013 (1) KLT 221), in the absence of amendment to Registration Rules, the parties cannot be compelled to obtain Record of Right as a pre-condition for registration.

Therefore, without insisting for Record of Right, the document presented by the petitioner shall be registered in accordance with law.

This writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

smp