

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 5TH DAY OF APRIL 2018 / 15TH CHAITHRA, 1940

WP(C).NO. 37913 OF 2017

PETITIONER(S)

INDIRA
AGED 45, W/O. LALU, KOLAYATTIL HOUSE,
MUKUNDAPURAM TALUK, MURIYAD P.O - 680 694.

BY ADVS.SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.RAFEEK. V.K.
SRI.VISHNU BHUVANENDRAN
SRI.U.M.HASSAN
SMT.P.PARVATHY

RESPONDENT(S) :

1. THE SUB REGISTRAR, KALLETUMKARA
THRISSUR DISTRICT - 680 683.

* ADDL.R2 IS IMPEADED AS PER ORDER DATED 11.01.2018 IN I.A.NO.566/2018.

ADDL.2. DISTRICT PANCHAYAT,
REPRESENTED BY ITS SECRETARY, THRISSUR 680 003.

R1 BY ADV. GOVERNMENT PLEADER SRI.B.VINOD.
RADDL.R2 BY ADV.SRI.BINOY VASUDEVAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-04-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DXY

WP(C).NO. 37913 OF 2017 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE REGISTERED DOCUMENT NO.
3121/2005 OF SUB REGISTRAR OFFICE,
KALLETUMKARA.

EXHIBIT P2 TRUE COPY OF TAX RECEIPT FOR THE YEAR 2017-18.

EXHIBIT P3 TRUE COPY OF THE CERTIFICATE ISSUED TO THE
PETITIONER FROM THE TAHSILDAR MUKUNDAPURAM.

RESPONDENT'S EXHIBITS: NIL

\\TRUE COPY\\

PA TO JUDGE

DXY

A. MUHAMED MUSTAQUE, J.

W.P. (C) No.37913 of 2017

Dated this the 5th day of April, 2018

J U D G M E N T

The petitioner purchased a property with the financial assistance provided by the District Panchayath. In the document, there is a clause restraining the petitioner from transferring the property. The petitioner approached this Court aggrieved by the refusal to register the sale deed.

2. According to the petitioner, she had repaid the entire amount out of the financial assistance from the District Panchayath and therefore, there is no bar.

3. Anyhow, there is no statutory provision traceable to put a clog on transfer. Merely because recitals are included in the document prohibiting transfer of property, that by itself will not operate against the petitioner from transferring the same in accordance with law.

4. Learned counsel for the Panchayath has made strenuous efforts to defend this case pointing out that the

benefit was given to the Scheduled Caste community and that benefit is now being misused by way of transferring the property.

The legal position is very clear. Such a clause is inoperative. Therefore, the Sub Registrar will register the document in accordance with law.

This writ petition is disposed of as above. No costs.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

smp