
(2011) 01 KL CK 0048

In the High Court Of Kerala

Case No : Writ Petition (C) No. 2500 of 2011 (J)

V.X. Albin

APPELLANT

Vs

The Tahsildar

RESPONDENT

Date of Decision : 25-01-2011

Acts Referred:

Transfer of Registry Rules, 1966 — Rule 18

Citation : (2011) 01 KL CK 0048

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : P. Ramakrishnan, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—The challenge in the writ petition is against Ext.P7. Ext.P7 is basically an order passed by the Tahsildar where by the Tahsildar has cancelled thandaper No. 1718 granted in favour of the Petitioner in respect of the property situated in Sy. No. 510/1 of Chinnakkanal village. According to the Petitioner, in the proceedings in LA No. 24/70, patta was issued in favour of the predecessor in title for an extent of 1 acre of land, a portion of which have already been alienated and the Petitioner holds only 12 cents. In Ext.P7, it is stated that the patta was bogus and that further action will be taken against the Petitioner under the Kerala Land Conservancy Act. It is also ordered that, mutation in favour of the Petitioner will stand cancelled.

2. As far as cancellation of patta and such other actions are concerned, apart from the finding in Ext.P7, action in that behalf are yet to be taken. Therefore, if and when action is taken in that behalf, it will be open to the Petitioner to raise his contentions and resist such proceedings and it is so clarified.

3. As far as cancellation of mutation is concerned, that matter is covered by the provisions of the Transfer of Registry Rules. Rule 18 provides for an appellate remedy and Petitioner has to pursue that remedy as well. Therefore, in that view of the matter, writ petition is not the proper remedy, and is accordingly closed,

leaving it open to the Petitioner to pursue the aforesaid remedies.