

(2011) 01 KL CK 0208

High Court Of Kerala

Case No: Writ Petition (C) No. 3063 of 2011 (G)

Lissie K. Varghese

APPELLANT

Vs

State of Kerala and The Village
Officer

RESPONDENT

Date of Decision: Jan. 31, 2011

Hon'ble Judges: Antony Dominic, J

Bench: Single Bench

Advocate: Dinesh Mathew J. Muricken, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.

According to the Petitioner, she, along with her husband, has purchased 43.73 Ares of land situated in survey No. 426/2 (Re-survey No. 154/2/2) of Ayyampuzha village in Aluva Taluk. It is stated that, though application was made for mutation and for acceptance of tax, the same was declined for the reason that the predecessor in interest of the property has certain liabilities to the first Respondent. In my view, that cannot be a reason for declining mutation for the reason that the mutation is only for fiscal purposes and if at all there is any liability, which is enforceable against the property, that is not going to be affected by mutation and mutation cannot be denied for that reason. Therefore, it is clarified that if the refusal is for the reason that the predecessor in interest has liabilities to the first Respondent, that reason will not be held against the Petitioner and the mutation applied for by the Petitioner will be allowed.

2. Petitioner shall produce a copy of this judgment and writ petition before the second Respondent for compliance.

Writ petition is disposed of as above.