2024:KER:87054

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

WEDNESDAY, THE 20TH DAY OF NOVEMBER 2024 / 29TH KARTHIKA, 1946

WP(C) NO. 44323 OF 2023

PETITIONER:

M/S. INDEL CORPORATION PRIVATE LIMITED,
OFFICE NO. 301, FLOOR NO.3,
SAI ARCADE N.S ROAD,
MULUND WEST MUMBAI, MUMBAI CITY,
MAHARASHTRA - 400 080
REPRESENTED BY ITS DIRECTOR MR. UMESH MOHANAN,
AGED 42 YEARS, S/O GOPALAKRISHNAN MOHANAN,
RESIDING AT DHANNYA, KANNADI P.O,
KANNADI 1 VILLAGE, PALAKKAD DISTRICT, PIN - 678701

BY ADVS.
T.P.M. IBRAHIM KHAN
ANILA UMESH
KEERTHI SAJEEV

RESPONDENTS:

1 **THE SUB REGISTRAR,**
SUB REGISTRAR OFFICE, PEERMADE,
PEERMADE P.O, IDUKKI DISTRICT, PIN - 685531

2 **STATE OF KERALA,**
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

3 **THE DISTRICT COLLECTOR,**
IDUKKI DISTRICT AT CIVIL STATION PAINAVU,
KUYILIMALA, IDUKKI DISTRICT, PIN - 685603

DEEPA V., GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20.11.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioner entered into an agreement with M/s. Goldview Vyapaar Pvt.Ltd. Company for the purchase of 213.27 Hectares of land in Elappara Village in Peermade Taluk and prepared the documents for registration by three separate documents. The petitioner and the seller of the property jointly submitted three documents [Exts.P1, P1(A) and P1(B)] for the same property as three parts for registration, after completing all the legal formalities. The respondent No.1 registered two documents [Exts.P1 and P1(A)] out of the three documents submitted. The respondent No.1 informed that he cannot register the third document [Ext.P1(B)] on the basis of instructions given by the respondent No.3. Ext.P3 communication was given by the respondent No.1 to the petitioner to that effect. It is in these circumstances, the petitioner has approached this Court, challenging Ext.P3 and also to direct the respondent No.1 to register Ext.P1(B) document.

2. I have heard Sri.T.P.M.Ibrahim Khan, the learned Senior Counsel, as instructed by Smt.Anila Umesh, the learned counsel appearing for the petitioner and Smt.Deepa V., the learned Government Pleader.

3. The respondent No.3 has filed a counter affidavit. In the counter affidavit, it is stated that Exts.P1 and P1(A) documents were registered based on the directions in the judgment of this Court in W.A.No.102/2022.

4. It is submitted by the learned Government Pleader that, challenging the judgment of the Division Bench in W.A.No.102/2022, an SLP has been preferred before the Supreme Court. Even though there was an interim order initially, it was not extended. The learned Government Pleader on instructions today submits that no extension petition has also been filed. Since Exts.P1 and P1(A) documents were already registered based on the direction of this Court in W.A.No.102/2022, the respondent No.1 is directed to register Ext.P1(B) also, in accordance with law, within a period of one

month from the date of receipt of a copy of this judgment. However, the registration of the document or any subsequent act based on the same shall be subject to the final outcome of the SLP pending before the Supreme Court.

The writ petition is disposed of as above.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

APA

APPENDIX OF WP(C) 44323/2023

PETITIONER EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE REGISTERED SALE DEED NUMBER 3137/23/I OF SRO PEERMADU**
EXHIBIT P1(A)	**TRUE COPY OF THE REGISTERED SALE DEED NUMBER 3138/23/I OF SRO PEERMADU**
EXHIBIT P1(B)	**TRUE COPY OF THE UNREGISTERED SALE DEED FOR 7.8913 HECTARES OF LAND**
EXHIBIT P2	**TRUE COPY OF THE E-CHALLAN NO. GRN KL023167759202324E DATED 31.10.2023**
EXHIBIT P3	**TRUE COPY OF THE COMMUNICATION NO. 204/2023 DATED 01.11.2023 ISSUED BY THE 1ST RESPONDENT**
EXHIBIT P4	**TRUE COPY OF THE JUDGMENT DATED 18.01.2019 IN WRIT PETITION (CIVIL) NO. 1529 OF 2019 OF THIS HON'BLE COURT**
EXHIBIT P5	**TRUE COPY OF THE JUDGMENT DATED 17.03.2023 IN WRIT PETITION (CIVIL) NO. 3801 OF 2022 OF THIS HON'BLE COURT**
EXHIBIT P6	**THE TRUE COPY OF THE PROCEEDINGS OF THE HONOURABLE SUPREME COURT OF INDIA IN SPECIAL LEAVE TO APPEAL NO. 14806 OF 2023**

RESPONDENT EXHIBITS

EXHIBIT R3(a)	**A TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO. 102/2022 DATED 01.03.2023**
EXHIBIT R3(b)	**A TRUE COPY OF THE JUDGMENT IN RP NO. 442/2023 DATED 11.04.2023**
EXHIBIT R3(c)	**TRUE COPY OF THE ORDER DATED 22.08.2023 IN SPECIAL LEAVE TO APPEAL (C) NO. 14806-14807/2023**