

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WA.No. 941 of 2009 () IN OP 31131/1999

AGAINST THE JUDGMENT IN OP 31131/1999 of HIGH COURT OF KERALA
DATED 06-06-2008

APPELLANT(S)/RESPONDENTS IN OP.:

1. THE DISTRICT REGISTRAR (GENERAL)/
COLLECTOR, THRISSUR.
2. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.
3. STATE OF KERALA,
REP. BY CHIEF SECRETARY, THIRUVANANTHAPURAM.
4. THE SUB REGISTRAR, THRISSUR.

BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER

RESPONDENT(S)/PETITIONER IN OP.:

M/S. INVESTORS CLUB,
A. REGISTERED SOCIETY, MAHATMA PRESS BUILDING
PALACE ROAD, THRISSUR, REPRESENTED BY PRESIDENT
VISWANATHAN, S/O. KRISHNAN.

R, BY ADV. SRI.K.G. BALASUBRAMANIAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 20-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WA.941/09

APPELLANTS' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE SRO NO.75/60

ANNEXURE 2: TRUE COPY OF THE JUDGMENT IN WPC.2377/09.

ANNEXURE 3: TRUE COPY OF THE JUDGMENT I WA.1280/04.

ANNEXURE 4: TRUE COPY OF THE JUDGMENT IN WA.1689/08.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.No.941 of 2009

Dated this the 20th day of February, 2015

JUDGMENT

Antony Dominic, J.

The issues raised in this appeal are covered in favour of the appellant in view of the principles laid down by the Full Bench of this Court in Sub Registrar, Palakkad v. Kerala State Co-operative Consumers Federation Limited, Kochi [2015 (1) KHC 17]. Therefore, the judgment under appeal cannot be sustained and is liable to be set aside.

However, it is submitted by the counsel for the respondent that the buyers of the other portions of the very same building which was owned by the seller society, were exempted from the levy of stamp duty. In so far as this submission is concerned, even if there is truth in what is contended, we cannot grant any relief on that basis since the legal position as regards SRO.75/60 is as clarified by the Full Bench.

In the result, the judgment of the learned single Judge is set aside and the appeal is allowed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

kkb.