

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

WP(C).No. 1914 of 2012 (L)

PETITIONER(S):

1. PRESIDENT, CHENGAMANAD PANCHAYATH SERVICE CO-OPERATIVE BANK LTD.NO.E-176 , PUTHUVASSERY, NEDUMBASSERY.P.O
ALWAYE TALUK, PIN - 683 585.
2. CHENGAMANAD PANCHAYATH SERVICE CO-OPERATIVE BANK LTD.,
NO. 176, PUTHUVASSERY, NEDUMBASSERY.P.O
ALWAYE TALUK, PIN - 683 585
REPRESENTED BY ITS SECRETARY.

BY ADVS.SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
REGISTRATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. DISTRICT REGISTRAR (GENERAL),
OFFICE OF THE DISTRICT REGISTRAR (GENERAL)
ERNAKULAM DISTRICT, COCHIN - 682 016.
3. SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, CHENGAMANAD.P.O
PIN - 683 578.
4. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
ERNAKULAM, KOCHI - 682 016.

R BY SR GOVT PLEADER SRI.THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.1914/12

PETITIONER(S) EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE RESOLUTION NO. 49 DATED 20/08/2011
OF THE BOARD OF DIRECTORS.

EXHIBIT-P2-TRUE COPY OF THE ORDER DATED 21/12/2011 OF THE
3RD RESPONDENT.

EXHIBIT-P3-TRUE COPY OF THE DRAFT OF THE SALE DEED DATED
03/10/2011 PRODUCED BEFORE THE 3RD RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE RELEVANT PORTION OF THE BYE LAWS
OF THE 2ND PETITIONER SOCIETY.

EXHIBIT-P5-TRUE COPY OF THE LETTER DATED 19/12/2011 OF THE
2ND RESPONDENT.

EXHIBIT-P6-TRUE COPY OF THE ORDER DATED 29/12/2011 OF THE
2ND RESPONDENT.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.P(C).No.1914 of 2012

Dated this the 20th day of February, 2015

JUDGMENT

Antony Dominic, J.

Challenge in this writ petition is against Ext.P6 proceedings of the District Registrar (General), Ernakulam, directing the petitioner society to remit an amount of ₹2,45,000/- towards stamp duty that is payable in respect of a sale deed executed in its favour. According to the society, it is entitled to remission of stamp duty in terms of SRO.75/60 and it is on that basis, the writ petition is filed.

During the pendency of this writ petition, the legal position in regard to SRO.75/60 was resolved by the Full Bench of this Court in its order in Sub Registrar, Palakkad v. Kerala State Co-operative Consumers Federation Limited, Kochi [2015 (1) KHC 17]. In the light of the above, the issue needs to be considered and therefore, setting aside Ext.P6, the matter is remitted to the second respondent. The second respondent will examine the claim of the petitioner in the light of the principles laid down

by the Full Bench and pass appropriate orders in the matter.

Writ petition is disposed of with the above direction.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.