

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1178 of 2015 (V)

PETITIONER(S):

**YASODAMMA .U., AGED 84 YEARS,
D/O. LAKSHMIKUTTY AMMA, 'SREELAKSHMI',
KARUVAMBRAM P.O
MANJERI, MALAPPURAM DISTRICT**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU
SRI.P.A.RAJESH
SRI.K.RAKESH
SRI.R.RANJITH (K/489/2011)
SMT.M.LISHA**

RESPONDENTS:

**1. THE DISTRICT COLLECTOR,
MALAPPURAM , PIN 676 505**

**2. THE SUB REGISTRAR,
MANJERI, MALAPPURAM DISTRICT, PIN 676 121**

BY GOVERNMENT PLEADER, SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 1178 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : COPY OF THE PURCHASE CERTIFICATE IN RESPECT OF THE
PROPERTIES OF THE PETITIONER IN R.S. NO 110/2 OF THE
NARUKARA VILLAGE DATED 12-11-1975.**

**EXHIBIT P2 : COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT
DATED,15-11-2012 AS NO B5-53936/2012.**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.1178 OF 2015
.....

Dated this the 20th January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 2nd respondent to permit the petitioner to execute sale deed in respect of her properties comprised in R.S. no.110/2 of the Narukara Village, on the fair value fixed by the first respondent in Exhibit P2 order.

ii) grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case. "

2. The case of the petitioner is that the fair value of the property concerned was wrongly fixed by the competent authority, by virtue of which the petitioner preferred an appeal before the first respondent/District Collector under Section 28A (4) of the Kerala Stamp Act.

3. After considering the merit involved, the first respondent passed Ext.P2 order, whereby the fair value was refixed as **Rs.2,48,000/-** (in respect of the property-Residential plot with PWD road access) and **Rs.85000/-** (in respect of th property-

Garden land without road access). Grievance of the petitioner is that, the registration sought to be effected is not acceded to, stating that the fair value has undergone a change in the meanwhile and that the petitioner has to satisfy Stamp duty in terms of the fair value as on date. This made the petitioner to approach this Court.

4. Heard the learned Government Pleader as well.

5. After hearing both the sides, this Court finds that the fair value of the property was re-fixed by the authorities in appeal as per Ext.P2 order which was passed as early as on on 15.11.2012. Obviously, the petitioner did not have a case that the property was sought to be conveyed to any prospective purchaser in the near vicinity. The cause of action has virtually arisen to the petitioner only now, who probably intends to convey the property for valuable sale consideration based on the market value as on date. By this time, the stamp duty payable, got increased by virtue of re-fixation of fair value as per the amendment brought into effect . It is stated that the fair value of the property has been increased by 50% from the amount fixed

by the District Collector (i.e. the value shown in Ext.P2). As such, when the cause of action has arisen for the petitioner, the fair value has got changed and the same is not the one as reflected from Ext.P2. In the said circumstance, this Court finds that there is no merit in the writ petition. It is dismissed accordingly. It is made clear that, necessary conveyance is to be effected by the Registering Authority, as and when the original of the conveyance deed is presented, subject to satisfaction of the stamp duty reckoning the fair value shown in Ext.P2 plus 50% of the same, in so far as it remains to be in force .

P.R.RAMACHANDRA MENON
JUDGE

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