

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C) .No. 2865 of 2015 (G)

PETITIONER(S) :

PANKAJAKSHAN NAIR M.N. ,
AGED 50 YEARS, S/O.NARAYANAN NAIR,
EMPLOYED ABROAD, KALLARACKAL PUTHENPURA HOUSE,
PINDIMANA P.O. ,
PINDIMANA KARA, PINDIMANA VILLAGE,
KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT, PIN-686 692

BY ADVS.SRI.L.RAM MOHAN
SRI.M.AUBREY ABRAHAM ISAAC.

RESPONDENT(S) :

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1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF TAX, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
 2. SUB REGISTRAR,
SUB REGISTRAR OFFICE,
DEVIKULAM, PIN-683 513

BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-01-2015, ALONG WITH WP(C) NO.2875/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 - TRUE COPY OF THE SALE DEED DATED 10-11-2014.

EXT.P2 - TRUE COPY OF THE NOTIFICATION NO.K-13430/08 DATED
14-12-2009 PUBLISHED IN THE KERALA GAZETTE EXTRAORDINARY
DATED 6-3-2010.

EXT.P3 - TRUE COPY OF THE G.O(MS)NO.177/2007/TD DATED
(THIRUVANANTHAPURAM) 4TH AUGUST 2007 PUBLISHED AS S.R.O.
NO.677/2007 IN THE KERALA GAZETTE EXTRAORDINARY NO.1461,
DATED 4TH AUGUST 2007.

EXT.P4 - TRUE COPY OF THE JUDGMENT DATED 24-11-2014 IN WPC.
NO.30733/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2865 & 2875 of 2015

Dated this the 29th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i) Issue a writ of mandamus or any other appropriate writ, direction or order commanding the 2nd respondent to register Exhibit P1 sale deed without stamp duty as exempted in Exhibit P3 Government Order.

ii) Grant such other reliefs, which deems fit and proper in the interest of justice.

iii) Grant the cost of this writ petition."

2. The learned counsel for the petitioners places reliance on Ext.P4 judgment dated 24.11.2014 rendered by this Court in WP (C) No.30733 of 2014 and seeks to extend similar benefit to the petitioners as well.

3. After hearing both the sides, this Court finds that the petitioners are also entitled to succeed. By virtue of Ext.P3 G.O., the exemption is applicable to the whole conveyance, if the consideration for such conveyance excluding the amount or the value of the consideration of the undivided interest in the amount

does not exceed Rs.5,00,000/- (Rupees Five lakhs only). In so far as the above G.O. is not amended, the benefit of the G.O. shall be given to the petitioners as well.

In the said circumstances, there will be a direction to the 2nd respondent to register the concerned documents on being satisfied with the value of the apartment/flat as only Rupees Five lakhs or less, and on satisfying the other legal requirements. The proceedings as above shall be done at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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