

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 5899 of 2015 (J)

PETITIONERS :

- 1. SAJAN, AGED 42 YEARS,
S/O.JOSEPH, VEVUKATTU HOUSE, PUTHENPALLIKARA,
VARAPUZHA P.O., ERNAKULAM DIST-683517**
- 2. MATHEW, AGED 59 YEARS, S/O.XAVIER,
KALATHIPARAMBIL HOUSE, OCHANTHURUTHU P.O.,
ERNAKULAM-682508**
- 3. JOHN, AGED 54 YEARS, S/O.XAVIER,
KALATHIPARAMBIL HOUSE, OCHANTURUTHU P.O.,
ERNAKULAM-682508**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENTS :

- 1. STATE OF KERALA
REP BY ITS SECRETARY, DEPARTMENT OF REVENUE
SECRETARIAT, THIRUVANANTHAPURAM-695001**
- 2. THE DISTRIC COLLECTOR
ERNAKULAM-682030**
- 3. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI-682001**
- 4. THE SUB REGISTRAR
ANGAMALY-683572**

R1 TO R4 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 5899 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF THE ORDER DTD 10/12/2014 OF THE DISTRICT COLLECTOR,
ERNAKULAM.**

P2:- TRUE COPY OF THE GO(P)NO 188/2014/TD DTD 14/11/2014.

P3:- TRUE COPY OF THE FAIR VALUE APPEAL DTD 14/01/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5899 of 2015

Dated this the 2nd day of March, 2015

J U D G M E N T

The petitioners are the owners of the property comprised in block No.11 with Resurvey No.390/3-2, 4-3 of Angamaly Village in Ernakulam District. Grievance of the petitioners is mainly with regard to the fixation of fair value, which according to them is much on the higher side. Because of such fixation, the petitioners have already approached the 2nd respondent by filing an appeal and after hearing, the fair value was reduced as per Ext.P1 order dated 10.12.2014. But the said respondent (under Serial No.3 at the bottom of Ext.P1), while forwarding copies to the concerned authorities has instructed the concerned Sub Registrar that, 50% enhancement as ordered vide G.O. (P) No.188/2014/TD dated 14.11.2014, has to be implemented for effecting registration. This according to the petitioners is very much appealable, by virtue of the amendment of the statute; particularly, as per Sub Section 5 of Section 28A introduced with effect from 13.11.2014.

2. The above provision reads as follows:

“(5) After the publication of the increased fair value of land under sub-section (1B), any person aggrieved by the fixation of fair value of land in an appeal under sub-section (4) may, within a period of one year from the date of

publication of the notification under sub-section (1B), file an application to the Collector to review the order passed in appeal and the Collector shall dispose of the same in such manner and within such period as may be prescribed."

The learned counsel points out that the increase ordered in a fixed percentage to an extent of 50% is in terms of Sub Section IB of Section 28A and as such, Ext.P3 appeal preferred by the petitioners against the enhancement as per the aforesaid G.O. is liable to be entertained by the 2nd respondent. The delay in considering the same made the petitioners to approach this Court by filing the writ petition.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent/District Collector to consider and pass appropriate orders on Ext.P3 appeal, in accordance with law, after affording an opportunity of hearing to the petitioners. It shall be done, at the earliest, at any rate, within four weeks from the date of receipt of a copy the judgment.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.