

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 5989 of 2015 (W)

PETITIONER :

**SANKARAN T.,S/O.THEETHI, AGED 48 YEARS,
KRISHNAVARDHA MANGALAM, KANNAMBRA,
MANJAPRA P.O, ALATHOOR TALUK, PALAKKAD DIST-678 685**

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
REGISTRATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM -695 001**
- 2. THE SUB REGISTRAR, S R O VADAKKENCHERY,
PALAKKADU DIST-678 541**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 5989 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE DECREE IN O.S. NO. 932/2012 DATED 28.01.2012
OF THE SUB COURT PALAKKAD**

**EXHIBIT P2: TRUE COPY OF THE SALE DEED EXECUTED BY THE SUB JUDGE
DATED 19.01.2015 IN FAVOUR OF PETITIONER**

**EXHIBIT P3: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT
DATED 20.2.2015 TO THE HON'BLE SUB JUDGE**

**EXHIBIT P4: TRUE COPY OF THE FAIR VALUE NOTIFICATION OF THE STATE OF
KERALA**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.
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W.P.(C) No.5989 of 2015 - W
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Dated this the 2nd day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that Ext.P2 sale deed has not been registered, despite compliance with Ext.P3 order. The petitioner had filed a suit for specific performance which stood decreed by Ext.P1. Though the petitioner was directed to pay only the balance consideration, as per the agreement, the petitioner is said to have remitted the fair value as on that date, for obtaining conveyance from Court. The Court executed Ext.P2 in favour of the petitioner. When the petitioner approached the Sub Registrar, the 2nd respondent herein, for registration of the document, the same was declined on the ground that, there was an increase in fair value as on 17.11.2014. A communication to that end was addressed to the Principal Sub Court, Palakkad as per Ext.P3.

2. The petitioner is said to have complied with the said demand and paid the fair value as notified on 17.11.2014. But despite that the Sub Registrar declined registration of the document for reason that the writ petition is pending. This Court finds that such action of the Sub Registrar is not proper and not in accordance with the provisions of the Registration Act, 1908. The petitioner shall present the document within a week from the date of receipt of the certified copy of this judgment. The Sub Registrar shall register the same, without looking into the delay that has been caused, which was caused only due to the inaction of the 2nd respondent.

The writ petition would stand allowed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //

P.A to Judge.