

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 6055 of 2015 (F)

PETITIONER(S):

**PAREEKUTTY, AGED 58 YEARS
S/O. PAREETH, CHIRAPPURATH HOUSE, PINDIMANA VILLAGE
BHOOTHATHANKETTU P.O., KOTHAMANGALAM-686 681.**

**BY ADVS.SRI.C.DILIP
SRI.P.N.VIJAYAN NAIR**

RESPONDENT(S):

- 1. THE SUB REGISTRAR,
OFFICE OF SUB REGISTRAR, KOTHAMANGALAM P.O.,
PIN-686 661.**
- 2. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, KOCHI-30.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6055 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1 : TRUE COPY OF SETTLEMENT DEED DTD.16.2.2015 EXECUTED BY
MR.C.P.HUSSAIN IN FAVOUR OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.

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Dated this the 4th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the non-registration of Ext.P1 document, which is executed in his favour by his brother.

2. The learned Government Pleader has filed a statement, on behalf of the respondents contending as under:

2. It is submitted that on verification of the documents, it is seen that Ext.P1 was executed by one C. P. Hussain to his brother ie. the petitioner. On further verification of the documents, it is seen that it has two previous documents ie. 660/2002 and 6141/2005. On examination of the prior document, it is seen that both of them are included in under valuation cases under Section 45(b) of the Kerala Stamp Act. In 6141/2015, the deficit amount is already paid and the case is settled. An amount of Rs.84,200/- being the deficit amount remained to pay in respect of the documents 660/2002. Therefore, this respondent has directed the petitioner to clear the said liability and also directed to submit the documents for registration in required forms.

3. The only contention taken is that, the prior

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documents referred to in Ext.P1, was under valued and there was a case registered under Section 45(b) of the Kerala Stamp Act, 1959 (herein after referred to as 'the Stamp Act') as against both the documents. With respect to document No.6141/2005, an amount of Rs.84,200/-still remains to be paid as liability determined under the Stamp Act. That cannot clothe the official respondents with the power to interdict registration.

4. Admittedly, Ext.P1 document was produced before the authorities and the same was not registered for the reasons stated herein above. If at all any amount is due under valid proceedings for under valuation, then proceedings for recovery could be initiated against the person on whom it was mulcted or the same could be recovered by proceeding against the subject property.

5. The registration in another persons name would not at all affect the proceedings for recovery, since, the liability

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would run with the property. Hence, even if the registration is made and the State is unable to recover the amounts from the person on whom the liability is mulcted, de hors the conveyance, the State could proceed against the property and then, it would be open for the petitioner to settle the same to release such liability on the property.

Hence, the writ petition is allowed with a direction to the petitioner to present the document for registration within a period of two weeks from today and the 1st respondent to carry out the registration in accordance with law. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.