

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7356 of 2015 (T)

PETITIONER(S):

- 1. SAJEER, S/O. CHATHOLI ALAVI HAJI,
HOUSE NO. 2/149, TRIKALANGODU P.O.,
MALAPPURAM DISTRICT - 676 123.**
- 2. MUHAMMAD ALI, S/O. ALAVI HAJI,
HOUSE NO. 1/197, PAPPINIPARA P.O.,
ANAKKAYAM GRAMA PANCHAYAT, PIN - 676 122.**
- 3. SALOOB, S/O. KURUNIAN HAMSA HAJI,
HOUSE, NO. 29/262, PAYYANADU P.O.,
MANCHERI MUNICIPALITY, PIN - 676 122.**

**BY ADVS.SRI.M.K.CHANDRA MOHANDAS,
SRI.K.SATHIYANANDAN PILLAY,
SRI.SHAKTHI PRAKASH,
SMT.SOBBY THOMAS,
SRI.PRATHEEK VISWANATHAN,
SRI.M.L.JISHNU.**

RESPONDENT(S):

- 1. THE SUB REGISTRAR,
WANDUR, MALAPPURAM DISTRICT - 676 505.**
- 2. THE DISTRICT REGISTRAR,
MALAPPURAM DISTRICT - 676 505.**
- 3. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT - 676 505.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 7356 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 - A COPY OF THE REGISTERED DOCUMENT NO. 2123/2010 OF WANDUR
SUB REGISTRY.

P2 - A COPY OF THE ORDER DATED 20.10.2014.

P3 - A COPY OF THE REPRESENTATION DATED 06.11.2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 7356 of 2015

~~~~~

Dated, this the 9th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

"(I) Issue a writ of certiorari or any other writ, order or direction directing the respondents to call for records leading to Ext. P2 and quash the same as ultra vires, biased, violative of natural justice and therefore illegal.

(II) To issue a writ of mandamus or any other writ, order or direction directing the 3rd respondent District Collector to consider the matter after giving an opportunity of being heard to the petitioners as envisaged under Section 45B (2) of the Kerala Stamp Act 1959

AND

(III) Grant such other and further reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case, in the interest of justice.

2. The learned counsel for the petitioners submits that Ext. P2 order passed by the second respondent is per se wrong and illegal in

all respects and hence the challenge.

3. The learned Government Pleader submits that if the petitioners are aggrieved of Ext. P2 order passed under Section 45B(2) of the Act, they are having alternate remedy by way of appeal before the District Court, as provided under Section 45B (4).

4. In the said circumstances, the writ petition is disposed of, relegating the petitioners to file appeal before the District Court as above.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

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

kmd