

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 9846 of 2015 (E)

PETITIONER(S):

**ZAREENA IQUBAL,
W/O. MOHAMED IQUBAL,AGED 61 YEARS, DD NEST, 12 F,
PULLEPPADY - THAMMANAM ROAD, ERNAKULAM-17**

**BY ADVS.SRI.L.RAM MOHAN
SRI.M.AUBREY ABRAHAM ISSAC**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF TAX, GOVT. SECRETARIATE,
THIRUVANANTHAPURAM 695001**
- 2. SUB REGISTRAR, SUB REGISTRAR OFFICE, DEVIKULAM 683513**

R BY GOVERNMENT PLEADER K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

WP(C).No. 9846 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE SALE DEED DATED 20.3.2015

**EXHIBIT P2: TRUE COPY OF THE NOTIFICATION NO.K-13430/08 DATED 14.12.2009
PUBLISHED IN THE KERALA GAZETTE EXTRAORDINARY DATED 6.3.2010**

**EXHIBIT P3: TRUE COPY OF THE G.O.(M/S) 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.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 29.1.2015 IN WP(C)
NO.2865/2015**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9846 of 2015

Dated this the 27th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) Issue a writ 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.

lii) Grant the cost of this writ petition."

2. The learned counsel for the petitioner places reliance on Ext.P4 judgment dated 29.01.2015 rendered by this Court in WP(C) Nos.2865 & 2875 of 2015 and seeks to extend similar benefit to the petitioner as well.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides, this Court finds that the petitioner is 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 petitioner as well.

5. In the said circumstances, there will be a direction to the 2nd respondent/Sub Registrar to register the concerned document 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.

6. The petitioner 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.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.