

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. 9883 of 2015 (I)

PETITIONER(S):

**ANNA CHALI, AGED 45 YEARS
W/O. POULOSE, CHALIL HOUSE, ANGAMALY P.O.
ERNAKULAM DISTRICT, PIN:683572.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.TONY THOMAS (INCHIPARAMBIL)**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE LAND REVENUE COMMISSIONER
COMMISSIONERATE OF LAND REVENUE
PUBLIC OFFICE BUILDING, MUSEUM JN
THIRUVANANTHAPURAM-695033.**
- 3. THE DISTRICT COLLECTOR
CIVIL STATION, KAKKANAD, ERNAKULAM-682030.**
- 4. THE REVENUE DIVISIONAL OFFICER
FORT KOCHI-682030.**
- 5. THE SUB REGISTRAR
ANGAMALY-683572.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

PJ

WP(C).No. 9883 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE APPEAL PREFERRED BY THE PETITIONER
AND RECEIPT ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P2: THE TRUE COPY OF THE JUDGMENT IN WPC 21488 OF 2014 DATED
19.8.2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9883 of 2015

Dated this the 27th day of March, 2015

J U D G M E N T

The petitioner is the absolute owner of the property in Survey No.542/ 16-6, in block No.11 of Angamaly Village. Petitioner has filed an appeal before the third respondent/District Collector in the matter relating to fixation of fair value for the aforementioned plot. Petitioner wants to dispose the property. The limited contention of the petitioner is that the registering authority have to register the document, under protest, subject to final fixation of fair value of the property in the appeal.

2. Heard the learned Government Pleader as well.

3. In view of the above, there shall be a direction to the 5th respondent/Sub Registrar to register the document executed by the petitioner in respect of the aforementioned property under protest, in accordance with the fair value already fixed, in respect of the above property. It is made clear that registration of the document based on fair value is subject to final disposal of the appeal by the competent authority. If the appeal is disposed of

reducing the present fair value, necessarily, competent authority shall refund the excess amount paid on the document to the person who paid the stamp duty and corresponding registration fee. In view of pendency of Ext.P1 appeal before the 3rd respondent/District Collector, Ernakulam, there shall be a direction to the 3rd respondent/District Collector, to dispose of the appeal after affording an opportunity to the petitioner of being heard within 'two months' from the date of receipt of a copy of this judgment.

The writ petition is disposed of. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 3rd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.