

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. 9915 of 2015 (L)

PETITIONER:

**BASTIN K. AUGUSTIN,
AGED 38 YEARS,
S/O. AUGUSTIN,
KACHAPPILLY HOUSE, ANGAMALY SOUTH P.O.
ERNAKULAM - 683 573.**

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

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.**
- 2. THE LAND REVENUE COMMISSIONER,
COMMISSIONERATE OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSUEUM JUNCTION,
THIRUVANANTHAPURAM -33.**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030.**
- 4. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI - 682 001.**
- 5. THE SUB REGISTRAR,
ANGAMALY - 683 572.**

R1 TO R5 BY (SR) 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:**

WP(C).No. 9915 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

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

EXHIBIT-P2-TRUE COPY OF THE JUDGMENT IN W.P(C) 21488/2014 DATED 19/08/2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9915 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.154/ 2-1, 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 has 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 as above 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 the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.