

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12329 of 2015 (M)

PETITIONER(S):

**M.T.THAMBY
AGED 66 YRS, S/O.M.M.THARIAN (LATE), MENACHERY HOUSE
ANGAMALY P.O., ERNAKULAM DIST, PIN-683 572.**

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

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE LAND REVENUE COMMISSIONER
COMMISSIONERATE OF LAND REVENUE
PUBLIC OFFICE BUILDING, MUSEUM JN.
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.**

BY SRI.JOSEPH GEORGE, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, ALONG WITH W.P.(C)NO.12331/2015 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT.P1- THE TRUE COPY OF THE COMMUNICATION OF THE ORDER IN THE APPEAL BY 3RD RESPONDENT.

EXHIBIT.P2- THE TRUE COPY OF THE REVIEW APPLICATION PREFERRED BY THE PETITIONER AND RECEIPT ISSUED BY THE 3RD RESPONDENT.

EXHIBIT.P3- THE TRUE COPY OF THE JUDGMENT IN WP(C) 22555 OF 2014 DATED 28.8.2014.

EXHIBIT.P4- THE TRUE COPY OF THE JUDGMENT IN WP(C) 5899 OF 2015 DATED 2.3.2015.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 12329, 12331, 12332 and  
12369 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

The issue involved in all these cases is similar and hence they are dealt with together. The prayers raised in W.P.(C) No. 12329 of 2015 are in the following terms:

(i) To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 5th respondent to register the sale deed of the property covered in the Ext. P2 review application by accepting the excess amount as bank guarantee or security deposit against the stamp duty and registration fee as per the fair value under protest, subject to the final decision of the fair value review application.

(ii) To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the respondents to release the bank guarantee/refund the excess amount of the stamp duty and registration fee to the purchaser if the final decision in the fair value review application is in favour of the petitioner.

(iii) To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 3rd respondent to dispose of Ext. P2 Fair Value Review Application, after giving the petitioner an opportunity of being heard and communicate the order to petitioner

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connected cases*

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within a reasonable time in accordance with the law.

(iv) And to pass such other appropriate orders and directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

Almost similar prayers have raised in other writ petitions as well.

2. The grievance of the petitioners is with regard to the fixation of fair value in respect of the property belonging to them comprised in different Survey Nos of Angamaly village. Because of such fixation, the petitioners preferred appeals and after hearing the same, the fair value was reduced as per Ext. P1 appellate order. But the fair value was again enhanced by 50% as per G.O. (P) No. 188/2014/TD dated 14.11.2014. The learned counsel for the petitioners submits that, being aggrieved of the said course, petitioners have already preferred Ext. P2 review application under Section 28A (5) of the Kerala Stamp Act and that the only prayer now pressed before this Court is to cause the same to be considered within a reasonable time.

3. Sub Section 5 of Section 28A of the Stamp Act reads as follows :

"(5) After the publication of the increased fair value of land under sub section (1B), any person aggrieved by

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the fixation of fair value of land in an appeal under sub section (4) may, within a period of one year from the date of publication of the notification under sub section (1B), file an application to the Collector to review the order passed in appeal and the Collector shall dispose of the same in such manner and within such period as may be prescribed."

4. Heard the learned Government Pleader as well.

5. After hearing both the sides, the writ petitions are disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P2, in accordance with law, after affording an opportunity of hearing to the petitioners, at the earliest, at any rate, within four weeks from the date of receipt of a copy of this judgment.

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

Sd/-

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

kmd