

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 17480 of 2012 (H)

PETITIONER(S):

ULLIYERI SERVICE CO-OPERATIVE BANK LTD.NO.D.2033,
ULLIYERI, ULLIYERI POST, KOZHIKODE DISTRICT
REPRESENTED BY ITS SECRETARY MONCY VARGHESE

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF CO-OPERATION
THIRUVANANTHAPURAM 695001
2. THE DISTRICT REGISTRAR(GENERAL)
OFFICE OF THE DISTRICT REGISTRAR (GENERAL)
KOZHIKODE 673001
3. THE SUB REGISTRAR
NADUVANNUR SUB REGISTRAR'S OFFICE, NADUVANNUR
673614 KOZHIKODE DISTRICT

R BY SR GOVT PLEADER SRI.THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.17480/12

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE COPY OF RENTAL AGREEMENT DATED 21-05-2004 ENTERED INTO BETWEEN ONE KARTHYANI AND THE PETITIONER.
- EXT.P2 TRUE COPY OF ORDER NO C.R.P 4074/04/K.DIS DATED 27-10-2005 ISSUED BY JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES KOZHIKODE
- EXT.P3 TRUE COPY OF THE NOTICE DATED 22-10-2009 ISSUED BY THE LANDLADY SMT.KARTHYANI TO THE PETITIONER.
- EXT.P4 TRUE COPY OF MINUTES OF THE MEETING HELD ON 19-01-2012 OF THE MANAGING COMMITTEE OF PETITIONER SOCIETY
- EXT.P5 TRUE COPY OF REPORT DATED NIL OF THE SUB COMMITTEE OF PETITIONER SOCIETY
- EXT.P6 TRUE COPY OF SALE DEED DATED 15-02-2012 EXECUTED BY C.S SANTHOSH KUMAR AND OTHERS IN FAVOUR OF THE PETITIONER SOCIETY
- EXT.P7 TRUE COPY OF G.O(MS) 795/60/AGRL.DATED 8TH OCTOBER 1960 ISSUED BY GOVT. OF KERALA
- EXT.P8 TRUE COPY OF NOTICE NO G.L 1021/2012 DATED 18-04-2012 ISSUED BY THE 2ND RESPONDENT.
- EXT.P9 TRUE COPY OF THE REPLY DATED 4-06-2012 SUBMITTED BY THE PETITIONER SOCIETY BEFORE THE 2ND RESPONDENT.
- EXT.P10 TRUE COPY OF ORDER NO G.L.1021/2012 KOZHIKODE DATED 16-06-2012 ISSUED BY THE 2ND RESPONDENT.
- EXT.P11 TRUE COPY OF BYE-LAW OF THE PETITIONER SOCIETY.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.P(C).No.17480 of 2012

Dated this the 20th day of February, 2015

JUDGMENT

Antony Dominic, J.

Challenge in this writ petition is against Ext.P10 proceedings of the District Registrar (General), Kozhikode, directing the petitioner society to remit an amount of ₹4,91,000/- towards stamp duty that is payable in respect of a sale deed executed in its favour. According to the society, it is entitled to remission of stamp duty in terms of SRO.75/60 and it is on that basis, the writ petition is filed. We also note that pursuant to the interim order dated 26.11.2014, the document in question has been registered without payment of stamp duty as demanded in Ext.P10.

During the pendency of this writ petition, the legal position in regard to SRO.75/60 was resolved by the Full Bench of this Court in its order in Sub Registrar, Palakkad v. Kerala State Co-operative Consumers Federation Limited, Kochi [2015 (1) KHC 17]. Therefore, this writ petition is disposed of

leaving it open to the second respondent to re-consider Ext.P10 in the light of the principles laid down by the Full Bench and take a fresh decision in the matter. Ext.P10 is quashed for that purpose.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.