

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 17921 of 2015 (M)

PETITIONER :

**M.V. MOHANAN, AGED 67 YEARS
S/O.VELAYUDHAN, RESIDING AT MADAPLATHURUTHIL HOUSE
PARAVUR THALA, PARAVUR - 683 513.**

BY ADV. SRI.PEEYUS A. KOTTAM

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE
GOVERNMENT SECRETARIAT ANNEX, TRIVANDRUM - 695 001.**
- 2. THE DISTRICT COLLECTOR, COLLECTORATE
CIVIL STATION, KAKKANAD, ERNAKULAM
COCHIN - 682 030.**
- 3. THE SUB REGISTRAR,
SUB REGISTRAR OFFICE
NJARAKKAL, ERNAKULAM- 682 503.**

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 17921 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1- THE TRUE COPY OF THE FAIR VALUE FIXED BY THE REGISTRATION
DEPARTMENT, GOVERNMENT OF KERALA PUBLISHED IN THE WEB
SITE.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 17921 of 2015 (M)

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner sought for registration of a document which is a sale deed. The document was refused to be accepted on the ground that the Basic Tax Register describes the property as a 'nilam' and the description given in the deed is 'garden land'. The fair value has also been fixed categorising the property as a residential property.

2. The issue is squarely covered in **Biju M.A. v. Sub-Registrar, Kunnathunadu Taluk - 2013 (2) KHC 34**. A learned Single Judge of this Court held that there is no power on the Registering Authority to refuse registration with reference to the nature of the land. Here, it is also to be noticed that the fair value fixation is done looking at the ground realities and it is evident that the fixation of fair value and the assessment of land proceeds on two different considerations.

3. In such circumstance, the 3rd respondent is directed to accept the document and register the same without insisting for any change in description of the property, since the 3rd respondent is not competent to look into the description at all for the purpose of registration.

Sd/-
K.VINOD CHANDRAN,
JUDGE