

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 22170 of 2015 (U)

PETITIONER:

**C.O.KOCHAPPAN,AGED 58 YEARS,
S/O.OUSEPH,CHIRACKAL HOUSE,
NAYATHODE P.O.,ANGAMALY,
ERNAKULAM DISTRICT,PIN-683572.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

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,MUSEUMJN.,
THIRUVANANTHAPURAM-33**
- 3. THE DISTRICT COLLECTOR,CIVIL STATION,
KAKKANAD,ERNAKULAM-682030.**
- 4. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI-682001.**
- 5. THE SUB REGISTRAR,ANGAMALY-683572.**

R1 TO R5 BY GOVT. PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 22170 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:

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

**EXT.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

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K. VINOD CHANDRAN, J.

W.P(C). No.22170 of 2015

Dated this the 23rd day of July, 2015.

JUDGMENT

The petitioner is the absolute owner and in possession of 03.27 Ares of land comprised in Survey No.227/5-2 in Block No.12 of Angamaly Village in Ernakulam District. The petitioner preferred a fair value appeal at Ext.P1 before the 3rd respondent in the matter relating to fixation of fair value of the aforementioned property. Now the petitioner wants to dispose the property. The limited prayer of the petitioner in the writ petition is to give a direction to the registering authority to register the document under protest, subject to final fixation of fair value of the property in the appeal.

2. In such circumstances, there shall be a direction to the 5th respondent to register the document executed by the petitioner in respect of the aforesaid property under protest, in

accordance with the fair value fixed in respect of the above property. However, it is made clear that registration of the document based on fair value available subject to final disposal of the appeal relating to such fixation by the competent authority. If the appeal is disposed of, reducing the present fair value, necessarily the petitioner shall be entitled to refund of the excess stamp duty 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, there shall be a direction to the 3rd respondent to dispose of the appeal, after affording an opportunity of hearing to the petitioner within two months from the date of receipt of a copy of this judgment.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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