

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 22319 of 2015 (L)

PETITIONER :

**JOSHY JOSEPH, AGED 48 YEARS, S/O. JOSEPH,
KUNNUMPURATH HOUSE, MUTHOLAPURAM P.O.,
ERNAKULAM DIST-686 665.**

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

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 GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 22319 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE REVIEW APPLICATION PREFERRED BY THE PETITIONER AND
RECEIPT ISSUED BY THE 3RD RESPONDENT.**

P2 : COPY OF THE JUDGMENT IN WPC NO.21488 OF 2014 DTD. 19.8.2014.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 22319 of 2015

Dated this the 24th day of July, 2015

J U D G M E N T

The petitioner is the absolute owner and title holder of an extent of 03.35 Ares of land comprised in block No.12, Survey No.281/3 of Angamaly Village. The petitioner wants to sell the property, but is aggrieved by the fair value fixed. The petitioner had in fact filed an appeal from the fixation of fair value as provided under sub-section (4) of Section 28A of the Kerala Stamp Act, 1959 (for short “the Act” only). The same was disposed of by re-fixing the fair value at Rs.6,00,000/-. The petitioner aggrieved with the same, has preferred a review as provided under subsection (5) of Section 28A of the Act. The petitioner's case is that the registration may be allowed to be carried out, but, however, under protest by accepting the entire amounts as fair value fixed, subject to the result of the review filed under sub-section(5) of Section 28A.

2. The petitioner also seeks for furnishing of bank

guarantee. But, however, no such order can be issued.

3. The petitioner would have to make the entire deposit as per the fair value now fixed. But the same would be subject to the orders passed in the review filed under sub-section (5) of Section 28A. The registration of the document shall be carried on, on the basis of the fair value fixed and if any favourable orders are received by the petitioner, the amounts in excess now collected shall be refunded to the petitioner. The District Collector shall also endeavour to dispose of the review as expeditiously as possible.

3. It is made clear that the petitioner cannot claim any interest on refund, if eventually the review goes in his favour.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge