

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 26698 of 2015 (J)

PETITIONER :

**PADINHARAKATH SIDDIK
AGED 52 YEARS, S/O.ENU, VELIANKODE AMSOM,
GRAMAM DESOM, PONNANI TALUK,
MALAPPURAM DISTRICT, PIN - 679 579.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S) :

- 1. THE SUB REGISTRAR
PONNANI - 679 583,
MALAPPURAM DISTRICT.**
- 2. THE DISTRICT REGISTRAR
MALAPPURAM DISTRICT-679 583.**

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 26698 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P-1: TRUE COPY OF THE SALE DEED NO.3183/2015 OF SUB REGISTRAR
 OFFICE, PONNANI.**

**EXT.P-2: TRUE COPY OF THE REGISTERED SALE DEED NO.5631/2012 OF SRO,
 PONNANI.**

**EXT.P-3: TRUE COPY OF THE NOTICE DATED 15.7.2015 ISSUED BY THE 2ND
 RESPONDENT.**

**EXT.P-4: TRUE COPY OF THE ORDER DATED 31.7.2015 ISSUED BY THE 2ND
 RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 26698 of 2015

Dated this the 04th day of September, 2015

JUDGMENT

The petitioner aggrieved by Ext.P3 Notice and Ext.P4 Order issued under the Kerala Stamp Act has approached this Court.

2. According to the petitioner, Ext.P3 Notice, is not in conformity with Rule 4 and Form II. It is further submitted that reference made by the Sub-Registrar is not annexed along with the notice. The petitioner's case is that he should be given clear 21 days to respond to the notice. However, in the Ext.P3 Notice, 21 days is reckoned from the date of issuance of the notice to the petitioner.

3. The petitioner also challenges Ex.P4 Provisional Order. According to the petitioner, this order is not in conformity with the relevant rules.

4. This Court is of the view that Ext.P3 Notice, is not in conformity with Rule 4 and not in the format as specified in Form II. Certainly, the 2nd respondent-the District Registrar is bound to refer about the reference received from the

Sub-Registrar Office and should also have annexed the reference received from the Sub-Registrar Office. The District Registrar ought to have given 21 days to the petitioner to respond to the notice after receipt of receiving the same. In that view of the matter, Ext.P3 is quashed and consequently, Ext.P4 is also set aside. The respondents are free to issue fresh notice in accordance with law and proceed against the petitioner.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr