

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. 29519 of 2013 (L)

PETITIONER(S):

KATTOOR SERVICE CO-OPERATIVE BANK LTD.NO.426
REPRESENTED BY ITS SECRETARY, KATTOOR P.O.
THRISSUR DISTRICT.

BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENT(S):

1. THE SUB REGISTRAR,
KATTOOR, THRISSUR DISTRICT-680 702.
2. THE DISTRICT REGISTRAR (GENERAL)/COLLECTOR
THRISSUR-680 001.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
THRISSUR-680 001.
4. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
CO-OPERATION (C) DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.

R BY SR GOVT PLEADER SRI.M.K.ABOOBACKER

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

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1.COPY OF THE RELEVANT PAGES OF THE BYELAWS OF THE PETITIONER SOCIETY.

EXHIBIT P2.COPY OF THE PROCEEDINGS NO.MP(4)51838/2010 OF THE REGISTRAR OF CO-OPERATIVE SOCEITEIS DTED 17/3/2011.

EXHIBIT P3.A COPY OF THE ORDER NO.CRP 4660/2013/K.DIS DATED 28/6/2013 OF THE 3RD RESPONDENT

EXHIBIT P4.COPY OF THE DOCUMENT DATED 24/8/2013 UNDER WHICH THE PROPERTY WAS PURCHASED BY THE PEITIONER

EXHIBIT P5.COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 5/9/2013.

EXHIBIT P6.COPY OF THE REPLY SUBMITTED BY THE PEITIONER BEFORE THE 2ND RESPONDENT DATED 20/9/2013.

EXHIBIT P7.COPY OF THE ORDER NO. INS 3-5151/2013 DATED 30/09/2013 ISSUEDBY THE 2ND RESPONDENT

EXHIBIT P8.COPY OF THE LETTER DATED 27/3/1989 ISSUED BY THE INSPECTOR GENERAL OF REGISTRATION.

EXHIBIT P9.COPY OF THE DOCUMENT NO.2225/2010 DATED 31/12/2010 OF THE KATTOOR SUB REGISTRAR'S OFFICE.

EXHIBIT P10.COPY OF THE ORDER DATED 15/6/2011 IN WA NO.1216/2007.

EXHIBIT P11.COPY OF THE ORDER DATED 27/8/2013 IN WA NO.1248/2013.

EXHIBIT P12.COPY OF THE INTERIM ORDER DATED 20/11/2013 IN WPC NO.26330/2013.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.P(C).No.29519 of 2013

Dated this the 20th day of February, 2015

JUDGMENT

Antony Dominic, J.

This writ petition is filed challenging Ext.P7 proceedings of the District Registrar (General), Thrissur, holding that an amount of ₹1,67,685/- is due to be remitted by the petitioner society towards stamp duty payable in respect of a sale deed executed in its favour, a copy of which is Ext.P4. According to the society, the aforesaid proceedings of the District Registrar is in violation of SRO.75/60 issued by the Government of Kerala, granting remission of stamp duty to Co-operative Societies. It is seen that in the writ petition, this Court passed interim order dated 2.12.2013 directing registration of the document, staying Ext.P7.

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]. Since the law has been clarified by the Full Bench, this writ petition is disposed of leaving it open to the respondents to demand from the petitioner stamp duty, if any, payable on Ext.P4, the sale deed executed in its favour.

The writ petition is disposed of with the above direction.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.