

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. 27316 of 2014 (L)

PETITIONER(S):

THE NEDUMUDI VILLAGE SERVICE CO-OP. SOCIETY LTD NO 2331,
REPRESENTED BY ITS SECRETARY, NADUBHAGAM MURI
CHAMBAKULAM P.O, ALAPPUZHA 688505

BY ADV. SRI.M.R.ARUNKUMAR,

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO REGISTRATION DEPARTMENT
THIRUVANANTHAPURAM 695001
2. THE COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE BUILDINGS, MUSEUM JUNCTION
THIRUVANANTHAPURAM 695033
3. THE DISTRICT REGISTRAR (GENERAL),
ALAPPUZHA 688011
4. THE DISTRICT COLLECTOR,
ALAPPUZHA 688001
5. THE TAHSILDAR,
KUTTANAD 688106

R BY SR GOVT PLEADER SRI. THOMAS JOHN AMBOOKEN

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

WP(C).No. 27316 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE SALE DEED EXECUTED BY THE SUB COURT,
ALAPPUZHA, ON UNSTAMPED PAPER DATED 03-04-2002

EXHIBIT P2 TRUE COPY OF THE G.O(MS) 795/60/AGRI, DATED 08-10-1960

EXHIBIT P3 TRUE COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF
REGISTRATION FEES

EXHIBIT P4 TRUE COPY OF THE ORDER NO LR(A) 3-45481/03/DDIS DATED 01-04-2004
OF THE COMMISSIONER OF LAND REVENUE

EXHIBIT P5 TRUE COPY OF THE REPRESENTATION DATED 22-03-2010 SUBMITTED BY
THE PETITIONER BEFORE THE SECRETARY, FINANCE DEPARTMENT

EXHIBIT P6 TRUE COPY OF THE COMMUNICATION DATED 23-03-2010 OF THE
GOVERNMENT OF KERALA FORWARDED TO THE MINISTER FOR FISHERIES AND
REGISTRATION

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.P(C).No.27316 of 2014

Dated this the 20th day of February, 2015

JUDGMENT

Antony Dominic, J.

1. The petitioner, a co-operative society, challenges Ext.P4 proceedings of the second respondent, upholding the stand taken by the Registration Department that in respect of Ext.P1 sale deed, the petitioner was not eligible for remission of stamp duty in terms of SRO.75/60. In this writ petition, this Court passed interim order dated 20.10.2014 directing registration of the document without insisting on payment of stamp duty.
2. The legal position in regard to SRO.75/60 has since been clarified 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]. In such circumstances, the proceedings leading to Ext.P4 will be re-considered in the light of the principles laid down by the Full Bench. Therefore, this writ petition is disposed of quashing Ext.P4 and directing the third respondent to re-

consider the claim of the petitioner for remission of stamp duty in accordance with the order of the Full Bench referred to above and orders passed. If the order so passed requires payment of any amount, it will be open to the respondents to demand the same from the petitioner.

Writ petition is disposed of with the above directions.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

kkb.