

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 27934 of 2015 (N)

PETITIONER(S):

**K.K. JOSEPH ALIAS KUZHIPILLIL KUNJAPPAN JOSEPH,
AGED 49 YEARS,
S/O. UTHUP JOSEPH, KUZHIPILLIL HOUSE,
PERUMBADAVAM P.O., 686 665, ELANJI
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.B.ASHOK SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH
SRI.RIYAL DEVASSY**

RESPONDENT(S):

- 1. THE DISTRICT REGISTRAR (GENERAL),
OFFICE OF THE DISTRICT REGISTRAR (GENERAL),
PERUMPILLIL BUILDING, M.G ROAD, ERNAKULAM,
KOCHI - 682 011.**
- 2. THE SUB REGISTRAR,
MINI CIVIL STAION, PIRAVAM P.O - 686 664,
ERNAKULAM DISTRICT.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF MASTER DATA OF KKJ GROUP INTERNATIONAL (INDIA) PVT, LTD, PUBLISHED BY MINISTRY OF CORPORATE AFFAIRS IN THEIR WEBSITE.
- P2 - TRUE COPY OF LAND TAX RECEIPT NO. 3078027 IN BOOK NO. 30781 DT. 20.2.2007 ISSUED BY VILLAGE OFFICE, PIRAVOM.
- P3 - TRUE COPY OF LAND TAX RECEIPT NO. 3596754 IN BOOK NO. 35968 DT. 21.6.2007 ISSUED BY VILLAGE OFFICE, PIRAVOM.
- P4 - TRUE COPY OF REGD. SALE DEED NO. 179/2006 DT. 25.1.2006 OF THE SUB REGISTRAR OFFICE, PIRAVOM.
- P5 - TRUE COPY OF LAND TAX RECEIPT NO. 5209842 IN BOOK NO. 52099 DT. 01.12.2014 ISSUED BY VILLAGE OFFICE, PIRAVOM.
- P6 - TRUE COPY OF REGD. SALE DEED NO. 1882/2008 DT. 26.6.2008 OF THE SUB REGISTRAR FFICE, PIRAVOM.
- P7 - TRUE COPY OF CORRECTION DEED NO. 178/2015 DT. 20.12.2014 OF THE SUB REGISTRAR OFFICE, PIRAVOM.
- P8 - TRUE COY OF LAND TAX RECEIPT NO. 5209843 IN BOOK NO. 52099 DT. 01.12.2014 ISSUED BY VILLAGE OFFICE, PIRAVOM.
- P9 - TRUE COPY OF CORRECTION DEED DT. 06.5.2015 EXECUTED CORRECTING EXT. P4 SALE DEED.
- P10 - TRUE COPY OF CORRECTION DEED DT. 06.5.2015 EXECUTED, CORRECTING EXT. P6 SALE DEED AS ALSO EXT P7 CORRECTION DEED.
- P11 - TRUE COPY OF ORDER NO. INS(2) 1605/2015 DT. 13.5.2015 ISSUED BY 1ST RESPONDENT.
- P12 - TRUE COPY OF ORDER NO. INS(2) 1606/2015 DT. 13.5.2015 ISSUED BY 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 27934 of 2015

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Dated this the 29th day of September, 2015

J U D G M E N T

The petitioner approached this Court seeking for declaration that no stamp duty is payable on Exts.P9 and P10 correction deeds and the same are liable to be registered under the provisions of the Registration Act without levy/ payment of stamp duty under the provisions of the Kerala Stamp Act.

2. In both deeds, it is mentioned that the company is represented as Chairman in Ext.P4 and as 'Managing Partner' in Ext.P6. Therefore to correct the deeds the petitioner submitted Exts.P9 and P10, wherein it is mentioned that the Company is represented by 'Managing Director'. The registering authority insisted for payment of stamp duty/ levy for corrections and the petitioner has approached this Court. It is to be noted that it is only a correction deed to change the representation of the company and it cannot be treated as a conveyance or transfer of right. Therefore the registering authority cannot insist for payment of stamp duty/levy from the petitioner. Therefore the registering authority is directed to register the documents accordingly.

With the above direction, the writ petition is disposed of.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE