

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 28840 of 2014 (D)

PETITIONER(S) :

1. P. ABDUL RASHEED,
KULTHAR ABAD, INDIRA MATHAJI ROAD, PALLIKUNNU,
KANNUR DISTRICT.

*ADDL. P2 IS IMPEADED

- P2. P.M. BALAKRISHNAN,
S/O. T.C.V.KUNHIRAMA PODUVAL, AGED 55 YEARS,
CHAIRMAN,
NORTH MALABAR OFFSET PRINTERS CONSORITIU (P) LTD.,
TAJ CENTRE, NEAR OLD BUS STAND, KANNUR.

(* ADDL. P2 IS IMPEADED AS PER ORDER DATED 05/02/2015 IN
I.A. NO.945/2015)

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH.

RESPONDENT(S) :

1. THE SUB REGISTRAR,
KANNUR, KANNUR - 670 002.
2. THE DISTRICT REGISTRAR (GENERAL) ,
THALASSERY - 670 101.
3. THE LAND REVENUE COMMISSIONER,
TRIVANDRUM - 695 001.
4. GOVERNMENT OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE SECRETARIAT,
TRIVANDRUM - 695 001.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE DOCUMENT NO.3572/2012 DATED
01.10.2012.

EXHIBIT P2. TRUE COPY OF THE GAZETTE NOTIFICATION.

EXHIBIT P3. TRUE COPY OF THE MEMORANDUM OF APPEAL.

EXHIBIT P4. TRUE COPY OF THE OFFICE MEMORANDUM WITH MINUTES OF
MEETING.

EXHIBIT P5. TRUE COPY OF THE RECEIPT FOR PAYMENT OF REGISTRATION.

EXHIBIT P6. TRUE COPY OF THE ORDER ISSUED BY THE DISTRICT
COLLECTOR, KANNUR DATED 01.03.2014.

EXHIBIT P7. TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P8. TRUE COPY OF THE ORDER ISSUED BY 2ND RESPONDENT DATED
21.05.2014.

EXHIBIT P9. TRUE COPY OF THE APPLICATION SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P10. TRUE COPY OF THE MEMORANDUM SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT DATED 13.06.2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 28840 of 2014

Dated this the 5th day of February, 2015

JUDGMENT

The writ petitioner approached this Court with the following prayers:

“i. Declare that the stamp duty and registration fee collected by the 1st respondent from the petitioner and others in excess of the amount payable on the instrument as per the fair value and the actual consideration shown in Exhibit P1 document is illegal and is liable to be refunded.

ii. Issue a writ of mandamus or any other writ or order directing the respondents to refund the stamp duty and registration fee collected by the 1st respondent from the petitioner and others in excess of the amount payable on Exhibit P1 document.”

After filing the writ petition, it is stated that the writ petitioner took his last breath pursuant to which the legal heir was brought on record as per order dated 5.2.2015 in I.A. No. 945 of 2015.

2. The case of the petitioner is that, excess stamp duty in respect of the conveyance effected as per Ext.P1 document has been realised from the writ petitioner pursuant to Ext.P6 order passed by the 2nd respondent and that the said amount stands already satisfied by the petitioner. But being aggrieved of the

course and proceedings, the petitioner has already moved the 3rd respondent by filing Ext.P10 and the prayer is only to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. In the above circumstance, the 3rd respondent is directed to pass final orders on Ext.P10 application in accordance with law, after affording an opportunity of hearing the the additional petitioner impleaded (legal heir of the petitioner) at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The additional petitioner impleaded shall produce a copy of the judgment along with a copy of the I.A and writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-