

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 30626 of 2015 (C)

PETITIONER:

**T.A.JOHNY, AGED 56 YEARS,
S/O.ANTONY, THEKKANATH HOUSE,
KALLUPALAM ROAD, ANGAMALY P.O.,
ERNAKULAM DISTRICT, PIN - 683572.**

**BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE LAND REVENUE COMMISSIONER,
COMMISSIONERATE OF LAND REVENUE,
PUBLIC OFFICE BUILDING, MUSEUM JN.,
THIRUVANANTHAPURAM-33.**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM-682030.**
- 4. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI-682001.**
- 5. THE SUB REGISTRAR, ANGAMALLY-683572.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 30626 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1: THE TRUE COPY OF THE APPEAL PREFERRED BY THE PETITIONER
AND RECEIPT ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT-P2: THE TRUE COPY OF THE JUDGMENT IN WP(C) 21488 OF 2014
DATED 19.08.2014.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 30626 of 2015

Dated this the 08th day of October, 2015

JUDGMENT

This writ petition is filed by vendor of a document in respect of the property situated in Survey No.559/19 in block No.11 of Angamaly Village in Ernakulam District. The petitioner has filed a fair value appeal before the third respondent in the matter relating to fixation of fair value for the aforementioned plot. He wants to dispose the property. The limited request of the petitioner is that registering authority has to register the document under protest subject to final fixation of fair value of the property in the appeal.

2. In view of the above, there shall be a direction to the 5th respondent to register the document executed by the petitioner in respect of the aforementioned property under protest in accordance with the fair value fixed in respect of the above property. However, it is made clear

that registration of the document based on fair value is subject to final disposal of the appeal relating to the property by the competent authority. If the appeal is disposed of reducing the present fair value, necessarily, competent authority shall refund the excess stamp paid on the document to the person who paid the stamp duty and corresponding registration fee. In view of pendency of Ext.P1 appeal before the District Collector, Ernakulam, there shall be a direction to the District Collector, to dispose of the appeal after affording an opportunity to the petitioner of being heard within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

bpr