

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 35034 of 2015 (D)

PETITIONER(S):

**CHRIST THE KING CHURCH, MUNDATHICODE,
REPRESENTED BY ITS VICAR REV. FR.JOYSON KORETH,
PRIEST HOME , CHRIST THE KING CHURCH, MUNDATHICODE,
P.O. MUNDATHICODE, THRISSUR DISTRICT -680 601.**

**BY ADVS.SRI.SHOBY K.FRANCIS,
SMT.AGI SHOBY,
SMT.MISHAL M.DASAN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVT.,
DEPARTMENT OF TAXES (E), GOVT. SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE RDO, COLLECTORATE,
AYYANTHOLE, THRISSUR -680 003.**
- 3. THE SUB -REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
WADAKANCHERY P.O., THRISSUR- 680 582.**
- 4. VILLAGE OFFICER,
MUNDATHICODE VILLAGE, MUNDATHICODE WEST P.O.,
THRISSUR DISTRICT- 680 623.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE APPLICATION DATED 22.06.2015 SUBMITTED BY THE MOTHER SUPERIOR TO THE 2ND RESPONDENT.
- P2- TRUE COPY OF THE REPORT DATED 24.07.2015 SUBMITTED BY THE ADDL. TAHSILDAR TO THE 2ND RESPONDENT.
- P3- TRUE COPY OF THE NOTIFICATION DATED 07.08.2015 ISSUED BY THE 2ND RESPONDENT IN K. DIS 11116/15/B5.
- P4- TRUE COPY OF THE SALE DEED DOCUMENT DATED 01.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT FOR THE REGISTRATION.
- P5- TRUE COPY OF THE SALE DEED DOCUMENT DATED 01.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT FOR THE REGISTRATION.
- P6- TRUE COPY OF THE SETTLEMENT DEED DOCUMENT DATED 01.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT FOR THE REGISTRATION.
- P7- TRUE COPY OF THE ORDER DATED 01.10.2015 IN ORDER NO.C.209/2015 (P3/2015) PASSED BY THE 3RD RESPONDENT.
- P8- TRUE COPY OF THE ORDER DATED 03/10/2015 IN ORDER NO.C.210/2015 (P4/2015) PASSED BY THE 3RD RESPONDENT.
- P9- TRUE COPY OF THE ORDER DATED 03/10/2015 IN ORDER NO.C.211/2015 (P5/2015) PASSED BY THE 3RD RESPONDENT.
- P10- TRUE COPY OF THE GOVT. ORDER DATED 14.11.2014 ISSUED BY THE 1ST RESPONDENT IN SRO NO.698/14.
- P11- TRUE COPY OF THE APPLICATION DATED 06.10.2015 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35034 of 2015

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Dated this the 26th day of November, 2015

JUDGMENT

The petitioner approached this Court seeking a direction to the third respondent to register Exts.P4 and P5 sale deeds and Ext.P6 settlement deed presented by the petitioner on the basis of the fair value fixed as per Ext.P3 notification dated 7.8.2015. According to the petitioner, the Registering Authority insisted for 50% enhanced fair value fixed as per Ext.P3 notification. The Government initially fixed the fair value in the year, 2010. Thereafter, taking note of increased rate of market value of the landed property in the market, issued a Government Order dated 14.11.2014 enhancing 50% on existing rate. It is apparent that the Registering Authority insisted the petitioner to pay the enhanced rate in the light of the Government Order dated 14.11.2014.

2. The petitioner submits that the Government Order as above was issued only with an intention to enhance the fair value in relation to the property of which the fair value was fixed in the

year, 2010. It is further submitted that in view of the fact that the fair value has been fixed after the notification by the Revenue Divisional Officer as per Ext.P3 notification, the Registering Authority cannot insist the petitioner to pay 50% of the fair value fixed as per Ext.P3 notification.

This Court is also of the view that since the Revenue Divisional Officer has fixed the fair value only on 7.8.2015, after noticing the Government Order, the fair value fixed by the Revenue Divisional Officer has to be followed for the purpose of registration. In that view of the matter, there shall be a direction to the Registering Authority to register the document in accordance with the fair value fixed as per Ext.P3 notification.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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