

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36970 of 2015 (U)

PETITIONER(S):

**SIJO JOSEPH AGED 42 YEARS
S/O.MR.JOSEPH, PUTHUPPARA HOUSE, KIDANGOOR P.O.
ANGAMALY 683591.**

BY ADV. SMT.MEREENA JOSEPH

RESPONDENT(S):

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

BY SRI BIJU MEENATTOOR, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 36970 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 3RD
RESPONDENT DATED 28.9.2015.**

EXT.P1(A): COPY OF THE ACKNOWLEDGEMENT OF EXHIBIT P1 APPEAL.

**EXT.P2: COPY OF THE JUDGMENT IN W.P.(C) NO.34459/2014 DATED 18.12.2014
OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 36970 of 2015

Dated this the 07th day of December, 2015

JUDGMENT

This writ petition is filed by vendor of a document in respect of the property situated in survey No.119/1-2 in Block 11, Kidangoor Ward of Angamaly Village in Ernakulam District. Petitioner has filed a fair value appeal before the third respondent in the matter relating to fixation of fair value for the aforementioned plot. Petitioner wants to dispose the property. The limited request of the petitioner is that registering authority have 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 duty 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 a period of 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