

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(C) .No. 37712 of 2015 (L)  
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PETITIONER(S) :  
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THOMAS ABRAHAM  
S/O ABRAHAM, KOORAMATTOM HOUSE,  
GANDHI NAGAR P.O, MUDIYOORKKARA KARA,  
PERUMBAIKKAD VILLAGE, KOTTAYAM DISTRICT

BY ADV. SRI.ENOCH DAVID SIMON JOEL

RESPONDENT(S) :  
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- 1 THE DISTRICT COLLECTOR  
COLLECTORATE, KOTTAYAM 686001
- 2 DISTRICT REGISTRAR GENERAL  
OFFICE OF THE DISTRICT REGISTRAR GENERAL  
KOTTAYAM 686001
- 3 THE ADDITIONAL SUB REGISTRAR  
OFFICE OF THE SUB REGISTRAR, KOTTAYAM 686001

BY GOVERNMENT PLEADER SRI BIJU MEENATOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
14-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 37712 of 2015 (L)

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APPENDIX

PETITIONER'S EXIBITS

EXT.P1 : TRUE COPY OF THE DRAFT OF THE SALE DEED TO BE  
EXECUTED BY SRO.REJIMON IN FAVOUR OF THE PETITIONER

EXT.P2 : TRUE COPY OF THE GAZETTE NOTIFICATION DATED  
23.11.15 AND NUMBERED AS E9(2)-61292/15 ISSUED BY  
THE 1ST RESPONDENT.

EXT.P3 : TRUE COPY OF SRO NO.698/2014 DATED 14.11.2014  
ISSUED BY THE GOVERNMENT OF KERALA.

RESPONDENT'S EXIBITS: NIL

//TRUE COPY//

P.A TO JUDGE

vdv

A.MUHAMED MUSTAQUE, J.

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W.P(C)No.37712 of 2015

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Dated this the 14<sup>th</sup> day of December, 2015

JUDGMENT

The fair value of the petitioner's property comprised in Re-Sy. No.136/3 of Block No.26 of Perumbaikkad Village in Kottayam District was fixed on 23.11.2015. The petitioner when presented document for registration, the registering authority insisted that petitioner shall pay 50% enhanced value on the fair value fixed based on the notification dated 14.11.2014.

2. This Court in several judgments has held that fixation of fair value after the notification of 14.11.14 enhancing 50% cannot be relied in respect of the land in which fair value has been fixed subsequently noting the notification dated 14.11.2014.

3. In that view of the matter, there shall be a direction to the registering authority to register the document based on Ext.P2 dated 23.11.2015 without insisting for enhanced fair value on the instrument.

Sd/-

A.MUHAMED MUSTAQUE,  
JUDGE