

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 38030 of 2015 (C)

PETITIONER(S)/PETITIONER1:

SAJEEV KUMAR M.J, AGED 46 YEARS
S/O.JANARDANAN NAIR, MANGATTU HOUSE, PULIYANANM.P.O
ERNAKULAM DISTRICT, PIN-683572, (9645228234).

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

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENTM
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,
ANGAMALY-683572.

BY GOVERNMENT PLEADER SRI.BIJU MEENATOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 38030 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 THE TRUE COPY OF THE APPEAL DATED 04.12.2014 SUBMITTED BY
 THE PETITIONER

EXT.P2 THE TRUE COPY OF THE JUDGMENT IN WP(C)21488 OF 2014 DATED
 19.08.2014.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

A.MUHAMED MUSTAQUE, J.

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W.P(C)Nos.38030 of 2015

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Dated this the 15th day of December, 2015

JUDGMENT

This writ petition is filed by vendor of a document in respect of the property situated in Block No.11 of Survey No. 496/10 of Angamaly village. Petitioner has filed a fair value appeal before the 3rd 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 the 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.

Writ petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE,
JUDGE

vdv/15/12/15