

Kerala High Court

Jereena vs Sub Registrar on 18 October, 14

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY,THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 22 of 2015 (C)

PETITIONER(S):

JEREENA, AGED 42 YEARS,
W/O.SIRAJ KAROLY, KAROLY HOUSE, EDAPPALY NORTH VILLAGE
KANAYANOR TALUK, EDAPPALLY P.O, ERNAKULAM, KOCHI 24.

BY ADVS.SRI.R.PARAMESWARA IYER
SRI.M.V.JOY

RESPONDENT(S):

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1. SUB REGISTRAR,
THRIKKAKARA, THRIKKAKARA SUB REGISTRAR'S OFFICE
P.O KAKKANAD, ERNAKULAM, KOHI 682 030.
 2. THE DISTRICT REGISTRAR (GENERAL),
DISTRICT REGISTRAR'S (GENERAL) OFFICE,
PERUMBILLY BUILDING, M.G ROAD
ERNAKULAM, KOCHI 682 011.
 3. THE REVENUE DIVISIONAL OFFICER
FORTKOCHI, REVENUE DIVISIONAL OFFICE,
FORT KOCHI 682 001.
 4. THE INSPECTOR GENERAL OF REGISTRATION,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.
 5. STATE OF KERALA
REPRESENTED BY THE SECRETARY, FINANCE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

WP(C).No. 22 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE FAIR VALUE NOTIFICATION COVERING THE AREA IN
RE.SY.NO.22 OF VAZHAKKALA VILLAGE.
- EXHIBIT P2. COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER
THE RIGHT TO INFORMATION ACT DATED 18.10.14.
- EXHIBIT P3. COPY OF THE REPLY MADE BY THE 1ST RESPONDENT DATED
27.10.14.
- EXHIBIT P4. COPY OF THE SALE DEED DATED 23.12.14 EXECUTED JOINTLY IN
FAVOUR OF THE PETITIONER AND HER HUSBAND.
- EXHIBIT P5. COPY OF THE TOKEN ISSUED BY THE 1ST RESPONDENT ON THE
PRESENTATION OF EXT. P4 BEFORE HIS OFFICE ON 23.12.14.
- EXHIBIT P6. COPY OF THE ORDER ISSUED BY THE 5TH RESPONDENT IN FAVOUR
OF THE 4TH RESPONDENT.
- EXHIBIT P7. COPY OF THE REPRESENTATION DATED 27.12.14 SUBMITTED BY THE
PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. R. RAMACHANDRA MENON, J.

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W.P.(C). No. 22 of 2015

Dated this the 9th day of January, 2015

JUDGMENT

Refusal to register original of Ext.P4 document sought to be executed by one of the purchasers, who happens to be the wife of other purchaser made the petitioner to approach this Court seeking for immediate interference.

2. The case of the petitioner is that, the property having an extent of 2.03 Ares of land comprised in Sy.No.37/22 in Block No.8 of Vazhakkala Village is actually a plot having no sufficient/direct access to the road. The fair value in respect of the property has been fixed by the competent authority as per the statute and there is a recent enhancement to an extent of 50%. It was after reckoning the said extent, that the petitioner sought to get the conveyance executed on the stamp paper of requisite value as borne by Ext.P4 and the same was presented before the 1st respondent on 23.12.2014 for getting it registered.

3. The request made by the petitioner was refused to be accepted, stating that the value of 'building' therein had to be increased, which according to the petitioner is absolutely without any rhyme or reason for the fact that, no fair value has been fixed by the Government for building. It is pointed out by the W.P.C. No. 22 of 2015 -2- petitioner that, there is no dispute with regard to the valuation of land, as the same is much above the fair value. If this be the position, as per the relevant provisions of the Stamp Act, the document has to be registered and thereafter, it is open to proceed with appropriate steps, if there is under valuation. In other words, if the market value according to the concerned registering authority is something more than the value shown in the document, after getting the document registered in the fair value shown, the matter could be proceeded further in terms of the relevant provisions of law. This is the dictum of the judgment passed by this Court as per the decision in Pareekutty v. Sub Registrar, Perumbavoor (2010 (3) KLT 1005).

4. Heard the learned Government Pleader as well, who points out that the description of the total sale consideration as 24,20,000/- in the last paragraph, just prior to the description of the property, is not enough and that separate valuation of the building has necessarily to be there. It is however fairly conceded by the learned Government Pleader that, in Form 1 B, forming part of the deed, the value of the building has been given under column 4 and 9 as 2 lakhs and the total valuation has been shown at column 10 and 11 as 24,20,000/-.

W.P.C. No. 22 of 2015 -3-

5. This being the position, there cannot be any further dispute as to the land value and it is admittedly above the fair value fixed by the competent authority. In the said circumstance, there will be a direction to the 1st respondent to register the deed as and when the original of Ext.P4 is presented and on satisfying the requisite fees/charges and such other formalities in accordance with

the relevant provisions of the Registration Act/Rules. This however will not bar the way of the concerned authority in proceeding with appropriate steps in accordance with law, if the sale consideration shown in Ext.P4 does not reflect the actual market value.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

P.R. RAMACHANDRA MENON, JUDGE.

kp/-