

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 13TH DAY OF NOVEMBER 2017/22ND KARTHIKA, 1939

WP(C).No. 30467 of 2017 (G)

PETITIONER(S):

**ALPHONSA.T.A,
W/O PAUL A.M., ALOOR HOUSE, ESTATE ROAD,
GRACE LANE, PERAMANGALAM, THRISSUR-680545.**

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENT(S):

- 1. THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, CHERPU,
THRISSUR-680 001.**
- 2. THE REVENUE SUB DIVISIONAL OFFICER,
REVENUE SUB DIVISIONAL OFFICE, THRISSUR-680 003.**
- 3. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT, THRISSUR-680 003.**
- 4. THE DISTRICT REGISTRAR,
REGISTRATION COMPLEX, THRISSUR-680 003.**
- 5. THE INSPECTOR GENERAL OF REGISTRATION,
KERALA, REGISTRATION DEPARTMENT, VANCHIYOOR,
THIRUVANANTHAPURAM-695035.**

BY GOVERNMENT PLEADER SRI.B.VINOD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-11-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

TS

WP(C).No. 30467 of 2017 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE SALE DEED FOR REGISTRATION DATED 27.10.2016.**
- EXHIBIT P2: TRUE COPY OF THE VALUATION CERTIFICATE ISSUED BY CHARTERED ENGINEER DATED 22.10.2016.**
- EXHIBIT P3: TRUE COPY OF THE LETTER XN DIS DATED 27.10.2016 ISSUED BY THE 1ST RESPONDENT.**
- EXHIBIT P4: TRUE COPY OF JUDGMENT DATED 9.1.2017 IN WPC NO.693 OF 2017 OF THIS HON'BLE COURT.**
- EXHIBIT P5: TRUE COPY OF THE ORDER NO.B5-10330/17 DATED 29.7.2017 OF THE 2ND RESPONDENT.**
- EXHIBIT P6: TRUE COPY OF THE ONLINE APPLICATION DATED 5.8.2017 ISSUED BY THE REGISTRATION DEPARTMENT.**
- EXHIBIT P7: TRUE COPY OF THE ORDER C.NO.273/17 DATED 19.8.2017 OF THE 1ST RESPONDENT.**
- EXHIBIT P8: TRUE COPY OF THE APPEAL PETITION DATED 19.8.2017 FILED BEFORE THE 4TH RESPONDENT.**
- EXHIBIT P9: TRUE COPY OF THE ACKNOWLEDGMENT DATED 26.8.2017 RECEIVED FROM THE OFFICE OF THE 4TH RESPONDENT.**
- EXHIBIT P10:- TRUE COPY OF THE SALE DEED NO.971 OF 2008 OF SRO CHERP, DATED 21.2.2008.**

RESPONDENT(S)' EXHIBITS - NIL

/TRUE COPY/

PS TO JUDGE

TS

K. VINOD CHANDRAN, J

W.P(C) No. 30467 of 2017

Dated this the 13th day of November, 2017

J U D G M E N T

The petitioner is aggrieved with the refusal to register a document; at Ext.P1. Earlier there was no fair value fixed and hence the Sub Registrar refused to register the document. The petitioner approached this Court in which Ext.P5 judgment was passed. This Court did not interfere with the order of refusal; however, directed the petitioner to approach the RDO under Section 28A of the Kerala Stamp Act, 1959 to fix the fair value. The petitioner approached the RDO, who by Ext.P5 has informed the petitioner that the fair value fixed is Rs.25,000/- per cent. Despite the consideration shown being in tandem with the fair value now fixed, the

Sub-Registrar refuses to register the instrument, is the grievance.

2. The learned Government Pleader relies on the counter affidavit to submit that there is a clear case of under valuation. The prior title deed of the property shows a total consideration of Rs.15,00,000/- and the present deed shows only Rs.4 lakhs. If there is such an allegation of under valuation then the Sub-Registrar has to proceed under Section 45 B of the Stamp Act. The Sub Registrar cannot merely refuse registration.

3. It is also the submission of the Sub Registrar who has filed the counter affidavit that the fair value fixed is not proper and the RDO was misled into fixing the fair value at Rs.25,000/- per cent. This is a matter which has to be verified by the RDO and the fair value having been fixed as per Ext.P5,

this Court would not interfere with the same. Nor is it possible in a writ petition filed by the petitioner.

4. In such circumstance, the Sub-Registrar is directed to act in accordance with the provisions of the Stamp Act within a period of one month without keeping the matter pending.

Writ petition is disposed of. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge