

N. Valsan vs the Registration Inspector General

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Court : Kerala

Decided On : Apr-09-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/31763/2017

Appellant : N. Valsan

Respondent : The Registration Inspector General

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 9TH DAY OF APRIL 2024 / 20TH CHAITHRA, 1946
WP(C) NO. 31763 OF 2017 PETITIONER: 1 N. VALSAN AGED 62
YEARS S/O MADHAVAN WARRIER, CHARTERED ACCOUNTAT
PRESENTLY EMPLOYED ABROAD HAVING PERMANET ADDRESS
AT NETTAMADAM, WARRIAM ROAD, ERNAKULAM, KARITHALA
DESOM, ERNAKULAM VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DIST, KERALA STATE INDIA PIN- 682 016 REP. BY
POWER OF ATTORNEY HOLDER A.R. MOHANAN 2 A.R.MOHANAN
S/O RAMAN, MANAGING DIRECTOR, AYYILYAM HOTELS PVT LTD,
RESIDING AT SANTHI SAVERS APARTMENTS, FLAT NO.5B (CC

ERNAKULAM VILLAGE, KANAYANNOOR TALUK, ERNAKULAM DIST,
KERALA STATE INDIA PIN- 682 016 BY ADVS. SRI.M.P.RAMNATH
SRI.BEPIN PAUL SRI.P.RAJESH KOTTAKKAL SRI.SHALU
VARGHESE SMT.S.SANDHYA SEI.M.VARGHESE VARGHESE
RESPONDENTS: 1 THE REGISTRATION INSPECTOR GENERAL
OFFICE OF THE INSPECTOR GNERAL OF REGISTRATION,
VANCHIYUR, THIRUVANANTHAPURAM, KERALA STATE, PIN-695 2
THE DISTRICT COLLECTOR ERNAKULAM DIST. COLLECTORATE,
KAKKANAD, PIN-682 030 BY ADV GOVERNMENT PLEADER OTHER
PRESENT: SRI.RIYAL DEVASSY, GP THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 09.04.2024, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN,J.

----- Dated this the 9th day of April, 2024

JUDGMENT

This writ petition is filed with the following prayers:-

(i) Issue a writ in the nature of mandamus or such other writs or orders directing the respondents 1&2 to hear the petitioners and pass appropriate orders upon Ext.P7 in the matter of refund of excess registration fees collected and excess stamp duty remitted, respectively within a time limit to be fixed by this Hon'ble court at any rate not exceeding one month from the date of this judgment or any other period as this Hon'ble court may deem fit to fix in the facts and circumstances of the case.

3) Award the cost of this writ petition. C) Grant any other reliefs this Hon'ble Court may deem fit to grant in the facts and circumstances of this case. [SIC]

2. When this writ petition came up for consideration, the learned Government Pleader takes me through paragraph 6 and 7 of the statement. The same is

extracted hereunder:-

6. The petitioner applied for the refund of registration fee on 25.02.2017 before the Sub Registrar. As per Rule 207 of the Kerala Registration Rules Inspector General of Registration shall not take any notice of any such application if presented after 6 months from the date of levy of fees or fine. The fee was levied on 29.06.2016. As the refund application presented after six months, the Sub Registrar rejected the same.

7. Sri.Valsan submitted an application dated

23.05.2017 before the Inspector General of Registration for the refund of amount. It was considered by the Inspector General of Registration as per laws. As per Rule 207 the Inspector General shall not take any notice to any such application if presented after six months from the date of the levy of fees or fine. Since the application was a time barred one, it was rejected and the petitioner was intimated accordingly.

3. In the statement, it is clearly stated that Ext.P7 is

already considered and rejected. If the petitioners are aggrieved by the same, the petitioners are free to challenge the same separately. With the above observations, this writ petition is disposed of. Sd/- P.V.KUNHIKRISHNAN JUDGE
bng APPENDIX OF WP(C) 31763/2017 PETITIONER EXHIBITS EXHIBITP1 TRUE PHOTOCOPY OF THE POWER OF ATTORNEY DATED 15-05-2017 EXECUTED BY 1ST PETITIONER IN FAVOUR OF 2ND PETITINER EXHIBIT P2 TRUE PHOTOCOPY OF THE REGISTERED SALE DEED NO.2583/2016 SRO ERNAKULAM DATED 29-06-2017 EXHIBITP3 TRUE PHTOCOPY OF THE SPECIFIC

CLARIFICATION IN THE MANNER OF TAIR VALUE FIXATION ISSUED FROM THE OFFICE OF 1ST RESPONDENT DATED 06-12-2014 BEARING NO.R.R. 9/27495/2014 EXHIBITP4 TRUE PHOTOCOPY OF THE ORDER DATED 15- 12- 2016 BEARING NO.C-11-79952/2016 ISSUED BY THE 2ND RESPONDENT

EXHIBITP5 TRUE PHOTOCOPY OF THE ERRATUM NOTIFICATION 15-12-2016 AS PUBLISHED IN THE KERALA GAZETTE DATED 17-01-2017- NO.3 VOLUME NO.6 SPECIFICALLY NOTIFYING THAT THE FAIR VALUE NOTIFIED IN GAZETTE NO.21 DATED 24-05-2016 EXHIBITP6 TRUE PHOTOCOPY OF THE REVIEW APPLICATION DATED 08-08-2016 FILED BY 2ND PETITIONER BEFORE 2ND RESPONDENT

EXHIBIT P7 TRUE PHOTOCOPY OF THE NECESSARY PART OF PETITIONERS (ALONG WITH REGISTRATION SLIPS AFFIXED THEREUPON WITHOUT ATTACHING DOCUMENTS THEREWITH AS THEY ARE NOT NECESSARY FOR THE PURPOSE OF THIS WRIT PETITION) BEFORE 1ST AND 2ND RESPONDENTS

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