

Rajesh vs State of Kerala

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Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/17710/2023

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945 WP(C) NO. 17710 OF 2023 PETITIONER/S: RAJESH AGED 50 YEARS S/O. VASU, EUMAKKATTUKUDY HOUSE, MATTOOR P.O- KALADY, ERNAKULAM, PIN - 683574 BY ADV MEREENA.J.JOSEPH RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM ., PIN - 695001 2 THE LAND REVENUE COMMISSIONER COMMISSIONERATE OF LAND REVENUE, PUBLIC

OFFICE BUILDING, MUSEUM JUNCTION, THIRUVANANTHAPURAM.,
PIN - 695001 3 THE DISTRICT COLLECTOR CIVIL STATION,
KAKKANAD, ERNAKULAM ., PIN - 682030 4 THE REVENUE
DIVISIONAL OFFICER OFFICE OF THE REVENUE DIVISIONAL
OFFICER, FORT KOCHI, PIN - 682001 BY GOVERNMENT PLEADER
SMT. DEEPA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 01.06.2023, THE

COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Petitioner states that he is the owner in possession of

property in Block - 16, Mookkannoor Village in Ernakulam District having an extent of 3.57 Ares in Survey No.83/11-2 and 10.51 Ares in Survey No.83/3-2. Petitioner intends to sell his property, due to severe financial constraints. According to the Petitioner, when he and the proposed purchaser approached the vendor, the purchaser was informed that the fair value fixed by the 4 th respondent under Section 28A of the Kerala Stamp Act is exorbitant. Accordingly, the purchaser refused from purchasing the above property. The Petitioner states that he is in acute financial difficulty and badly in need of money. Petitioner has filed Ext.P1 appeal before the District Collector, Ernakulam for reduction of the fair value, which

is pending. The petitioner states that appeal is forwarded to the Village Officer for inquiry and report.

2. The petitioner is seeking a direction to the third respondent to dispose of Ext.P1 appeal within a time frame.

3. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

4. Having regard to the facts and circumstances of the

case and the submissions made across the Bar, there will be a direction to the third respondent to consider and dispose of Ext.P1 appeal, after affording an opportunity of hearing to the petitioner. A decision in this regard shall be taken at the earliest, at any rate, within a period of two months from the date of receipt of a copy of this judgment. The petitioner shall produce

a copy of this writ petition along with the copy of the Judgement

before the 3rd respondent. Writ petition is disposed of accordingly. Sd/- MURALI PURUSHOTHAMAN Shg JUDGE APPENDIX OF WP(C) 17710/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED NIL Exhibit P1(a) A TRUE COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE OF THE DISTRICT COLLECTOR ERNAKULAM DATED

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