

Manoharan vs State of Kerala

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Court : Kerala

Decided On : Nov-16-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/25347/2021

Appellant : Manoharan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 16TH DAY OF NOVEMBER 2021 / 25TH KARTHIKA, 1943 WP(C) NO. 25347 OF 2021 PETITIONERS: 1 MANOHARAN, S/O DAMODHARAN, PATTALY HOUSE, KANJIRATHODU LANE, P.O.IRINJALAKUDA, THRISSUR-680 121. 2 VYJAYANTHY, W/O MANOHARAN, PATTALY HOUSE, KANJIRATHODU LANE, P.O.IRINJALAKUDA, THRISSUR-680 121. BY ADVS. JOBY JOSEPH (THRISSUR) RAVI KRISHNAN K.VINAYA RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,

THIRUVANANTHAPURAM-695 001. 2 DISTRICT COLLECTOR, CIVIL STATION, CIVIL LINES ROAD, AYYANTHOLE, THRISSUR DISTRICT-680 003. 3 REVENUE DIVISIONAL OFFICER, RDO OFFICE, 1ST FLOOR, CIVIL STATION, CIVIL LINES ROAD, AYYANTHOLE, THRISSUR DISTRICT-680 003. 4 THE TAHSILDAR (LR), CHEMBUKAVU, THRISSUR DISTRICT-680 020 5 THE VILLAGE OFFICER, THRISSUR VILLAGE, THRISSUR TALUK, PANANCHERRY P.O. THRISSUR DISTRICT, PIN-680 020 BY SMT.K.AMMINIKUTTY - SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners have approached this Court with a limited plea that the 2nd respondent - District Collector be directed to take up Exts.P4 and P5 Statutory Appeals filed by them under the provisions of Section 28A of the Stamp Act, against the notification issued by the jurisdictional Revenue Divisional Officer (RDO), fixing the Fair Value for their property.

2. I have heard Smt.Vinaya K. - learned counsel for the petitioners and Smt.K.Ammunikutty - learned Senior Government Pleader appearing on behalf of the official respondents.

3. Smt.K.Ammunikutty - learned Senior Government

Pleader, submitted that if the petitioners only require Exts.P4 and P5 to be taken up and disposed of by the 2nd respondent, there is no legal impediment in doing so; but prayed that this Court may not make any affirmative declarations on the entitlement of the petitioners to any relief and leave it to the competent Authority to take a final decision as per law. Taking note of the afore submissions, I order this Writ Petition and direct the 2nd respondent - District Collector to take up Exts.P4 and P5 Statutory Appeals of the petitioners and dispose them of, after affording them an opportunity of being heard; thus culminating in an appropriate order/necessary action thereon as expeditiously as is possible but not later than

three months from the date of receipt of a copy of this judgment. Sd/- RR DEVAN
RAMACHANDRAN JUDGE APPENDIX OF WP(C) 25347/2021 PETITIONER
EXHIBITS

Exhibit P1

TRUE COPY OF THE REGISTERED DOCUMENT NOExhibi

SRO Exhibit P2 A TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE
1ST PETITIONER ISSUED BY THE 4TH RESPONDENT DATED 21.5.2020
Exhibit P2(A) A TRUE COPY OF THE BASIC TAX RECEIPT ISSUED TO THE
2ND PETITIONER BY THE 4TH RESPONDENT DATED 21.5.2020 Exhibit P3
TRUE COPY OF THE DOCUMENT DOWNLOADED REGISTRATION
DEPARTMENT GOVERNMENT OF PROPERTY COMPRISING SURVEY NO
1465 Exhibit P3(A) TRUE COPY OF THE DOCUMENT DOWNLOADED
REGISTRATION DEPARTMENT, GOVERNMENT OF PROPERTY COMPRISING
SURVEY NO 1466 Exhibit P3(A) TRUE COPY OF THE DOCUMENT
DOWNLOADED REGISTRATION DEPARTMENT, GOVERNMENT OF
PROPERTY COMPRISING SURVEY NO 1466 Exhibit P4 A TRUE COPY OF
THE APPEAL TO THE DISTRICT COLLECTOR, THRISSUR SUBMITTED BY THE
1ST PETITIONER DATED 20.2.2020 Exhibit P4(A) A TRUE COPY OF THE
REPRESENTATION SUBMITTED BY THE 1ST PETITIONER TO THE DISTRICT
COLLECTOR, THRISSUR DATED 20.2.2020 Exhibit P5 A TRUE COPY OF THE
APPEAL TO THE DISTRICT COLLECTOR, THRISSUR SUBMITTED BY THE
2ND PETITIONER DATED 20.2.2020 Exhibit P5(A) A TRUE COPY OF THE
REPRESENTATION SUBMITTED BY THE 2ND PETITIONER TO THE DISTRICT
COLLECTOR THRISSUR DATED 20.2.2020 Exhibit P6 TRUE COPY OF THE
ORDER OF THE DISTRICT

COLLECTOR DATED 12.3.2017 REDUCING THE FAIR VALUE OF THE
PROPERTY COMPRISING IN SY NO 1469/5 OF THRISSUR VILLAGE IN
THRISSUR TALUK OWNED BY USHA SURENDRAN

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