

Poly vs State of Kerala

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Court : Kerala

Decided On : Mar-01-2019

Judge : Honourable Mr. Justice Alexander Thomas

Appeal No. : WP(C)/6360/2019

Appellant : POLY

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS
FRIDAY ,THE 01ST DAY OF MARCH 2019 / 10TH PHALGUNA, 1940
PETITIONER: POLY AGED 45 YEARS S/O.OUSEPH, CHAKKALAKKAL
HOUSE, ALATHOOR VILLAGE, MELADOOR P.O., ERNAKULAM. BY
ADV. SMT.MEREENA JOSEPH RESPONDENTS: 1 STATE OF
KERALA REPRESENTED BY THE SECRETARY, REVENUE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001. 2 THE LAND REVENUE
COMMISSIONER COMMISSIONERATE OF LAND REVENUE, PUBLIC
OFFICE BUILDING, MUSEUM JUNCTION, THIRUVANANTHAPURAM -
695 033. 3 THE DISTRICT COLLECTOR CIVIL STATION, KAKKANAD,

ERNAKULAM - 682 030. 4 THE REVENUE DIVISIONAL OFFICER
FORT KOCHI - 682 001. THIS WRIT PETITION (CIVIL) HAVING COME
UP FOR ADMISSION ON 01.03.2019, ALONG WITH WP(C).6372/2019,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
ALEXANDER THOMAS, J ===== W.P.(C).
NO. 6360 OF 2019
===== DATED
THIS THE 1st DAY OF March , 2019

JUDGMENT

The prayers in this writ petition are as follows:

I) Issue a writ of mandamus or any other appropriate writ, direction or order, commanding the 3 rd respondent to dispose off the fair Value Appeal filed by the petitioner covered by Exhibit - P1, after giving the petitioner an opportunity of being heard and publish the same in the official Gazette within the time limit fixed by this Hon'ble Court as per the Rules;

2. Heard Smt. Mareena Joseph M learned counsel appearing for the petitioner and these two cases and Sri. Saigi Jacob Paletty, learned senior Government Pleader appearing for the respondents in these matters.

3. The matters in WPC 6360/2019 wherein in the sole petitioner has preferred Ext.P1 fairvalue appeal under the provisions of Section 28A

(4) of the Kerala Stamp Act, 1959 before the 3 rd respondent District Collector so as to impugn the fair value notification of the subject property

mentioned in that appeal. It is stated that the petitioner has already entered into a agreement for sale of the subject property with the willing purchaser who has a time deadline to be met, otherwise the purchaser may back out of the agreement, if orders in the appeal are not available before

the expiry of the said deadline between the parties. Taking note of the urgency in the matter, it is ordered that the 3rd respondent District Collector will take up the appeal of the petitioner in Ext.P1 and will conduct appropriate enquiries with the competent among the officials with due prior notice to the petitioner and will forward a copy of the said report to the petitioner in advance and will thereafter afford reasonable opportunity of being heard to the petitioner through an authorized representative or counsel if any and thereafter the 3rd respondent will render a considered decision and finally dispose off Ext.P1 appeal without much delay preferably within a period of 6 weeks from the date of production of a certified copy of this judgment.

With these observations and directions, the above Writ Petition (Civil) will stand finally disposed of. Sd/- ALEXANDER THOMAS JUDGE Ns //true copy// PA to judge APPENDIX OF WP(C) 6360/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED EXHIBIT P2 TRUE COPY OF THE ARRANGEMENT LETTER ISSUED BY STATE BANK OF INDIA DATED 25/2/2019 TO THE PURCHASER.

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