

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 29<sup>TH</sup> DAY OF JULY 2021 / 7TH SRAVANA, 1943

WP(C) NO. 5495 OF 2021

**PETITIONER/S:**

PRAVEEN P.T.  
AGED 33 YEARS  
S/O. THAMBAN P., PLAKKADAN HOUSE, KARIYAKKARA,  
EDAVARAMBA P.O., PAYYANNUR THALUK, KANNUR DISTRICT,  
PIN-670511.

BY ADVS.  
ZUBAIR PULIKKOOL  
SRI.P.S.BINU

**RESPONDENT/S:**

- 1 THE SUB REGISTRAR  
SUB REGISTRAR'S OFFICE, PAYYANNUR, PAYYANNUR P.O.,  
PAYYANNUR THALUK, KANNUR DISTRICT, PIN-670307.
- 2 ADDL.R2. THE DISTRICT COLLECTOR  
KANNUR.  
(ADDL.R2 IS SUO MOTU IMPLEADED AS PER ORDER DATED  
29-07-2021).

BY ADV GOVERNMENT PLEADER

**OTHER PRESENT:**

SMT.SHEEJA.C.S., GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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**W.P.(C.) No.5495 of 2021**  
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**Dated this the 29<sup>th</sup> day of July, 2021**

### **JUDGMENT**

The above writ petition is filed with the following prayers :

*“(i) To issue writ of mandamus or such other writ or direction directing the respondent to register the Ext.P1 Jenm Assignment Deed.*

*(ii) To declare the reasons highlighted in Exhibit P6 reply issued by the respondent is ultra virus and unsustainable.*

*(ii)(a) To issue a writ of certiorari or such other writ or direction to quash Exhibit P6.*

*(iii) To pass such other order or direction which this Hon'ble Court deems fit to pass in the circumstances of the case.*

*Prayer ii(a) incorporated as per order dtd 22.3.21 in IA 1/21 in WP(C).”*

2. Ext.P6 is an order passed by the Sub-Registrar, Payyannur under Sec. 45(A)(3) of the Kerala Stamp Act, 1959. According to the petitioner, the order passed by the Sub-Registrar is illegal and it is not an order under Sec. 45(A)(3) of the Stamp Act. The Government Pleader submitted that since it is an order under Sec.45A(3) of the Kerala Stamp Act, an appeal is maintainable before the District Collector, as per

sec.45(A)(4).

3. After hearing both sides, I think the petitioner can be given liberty to file an appeal against Ext.P6 within a time frame and there can be a direction to the District Collector to consider the appeal also, within a time frame. The counsel for the petitioner submitted that the petitioner is an army officer and he wants to register the document immediately. The District Collector will consider the same and will dispose the appeal, as expeditiously as possible.

Therefore, this writ petition is disposed in the following manner :

- 1) The petitioner is free to file an appeal against Ext.P6 order within two weeks from the date of receipt of a copy of this judgment to the additional 2<sup>nd</sup> respondent.
- 2) The additional 2<sup>nd</sup> respondent is directed to consider the appeal, in accordance to law, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of the appeal.
- 3) All the contentions of the petitioner in the writ

petition are left open. The petitioner is free to produce a copy of the writ petition also along with the copy of the judgment before the additional 2<sup>nd</sup> respondent

SD/-

**P.V.KUNHIKRISHNAN  
JUDGE**

SKS

**APPENDIX OF WP(C) 5495/2021**

PETITIONER EXHIBITS

- EXHIBIT P1 COPY OF THE JENM ASSIGNMENT DEED SUBMITTED BEFORE THE RESPONDENT DATED 1.2.2021.
- EXHIBIT P2 COPY OF ACKNOWLEDGMENT FOR ONLINE TOKEN REGISTRATION ISSUED TO THE PETITIONER DATED 4.2.2021.
- EXHIBIT P3 COPY OF THE NOTIFICATION ISSUED UNDER G.O. (P)NO.47/2020/TAXES AND PUBLISHED AS S.R.O.NO.266/2020 IN THE KERALA GAZETTE DATED 31.3.2020.
- EXHIBIT P4 COPY OF THE JENM ASSIGNMENT DEED NO.2437/2012 OF S.R.O. PAYYANNUR DATED 2.6.2012.
- EXHIBIT P5 COPY OF THE REQUEST SUBMITTED BEFORE THE RESPONDENT BY THE PETITIONER DATED 5.2.2021.
- EXHIBIT P6 COPY OF REPLY ISSUED BY THE RESPONDENT TO THE PETITIONER DATED 5.2.2021.