

PROCEEDINGS OF THE COMMISSIONER OF LAND REVENUE

(Public Office Building, Museum Junction, Trivandrum 695 033)

(Present: Dr.M. Vijayanunni IAS)

D.No. 1211/03/LR.A3.

Dated: 24-3-2003

Sub:- Kerala Stamp Act - reference under section 54(2)-  
Impounded document No. P5/02 of the Sub Registrar  
Office, Kozhikkode.

Read:- 1. Lr. No. GL 4175/02 dtd. 3.8.2002 of the  
District Registrar (General) Kozhikkode.  
2. Petition dtd. 21.1.2003 filed by Shri. M.  
Manojkumar.

2003/2  
The District Registrar (General) Kozhikkode has submitted  
the impounded document No. P5/02 of the Sub Registrar Office,  
Kozhikkode as per his letter read as 1st paper above under  
section 54(2) of the Kerala Stamp Act. He has reported that  
though his opinion is that the document is not a rectification  
deed, he requests an authorisation decision thereon.

The impounded document has been styled as a rectification  
deed of sale deed No. 46/01 of Sub Registrar Office, Kozhikkode  
executed on 18th January, 2001 by Shri. M. Manoj Kumar power  
of attorney holder on behalf of Shri. M. Asok Kumar, Director  
Sudarsan Trading Company, Chennai to one Shri. K. Ishaq. The  
deed under reference was executed on 7.6.2002 by the aforesaid  
Shri. Manoj Kumar in the form of a rectification deed on  
unstamped paper.

The Sub Registrar, Kozhikkode impounded the document  
on the ground that it cannot be accepted as a rectification  
deed and hence stamp duty under section 22 has to be imposed  
on it. The District Registrar has reported that material  
change has been effected in the present document as out of  
the 5 building numbers shown in the schedule of the original  
sale deed No. 46/01 four building numbers have been deleted  
in the document No. P5/02.



:2;

The executant of the deed under reference has also filed a petition read as 2nd paper above requesting to exempt the impounded document No. 5/02 from payment of any stamp duty. He has stated that when the schedule of the document relating to the sale deed No. 46/01 was prepared, in addition to the building No. 19/1383 building Nos. 19/1375, 19/1376, 19/1377 and 19/1378 were also written by mistake by the document writer. It is to rectify this mistake that the present deed was prepared and presented for registration.

It is stated in the said rectification deed that Building Nos. 19/1375, 19/1376, 19/1377 and 19/1378 fall in another numbers with no connection to the schedule property and that except the error of mentioning the above additional building numbers by mistake, there is no change in the survey number, description of the property, boundaries or measurements of the schedule property as specified in the original sale deed. This is found to be correct. There is therefore no material change effected in the nature of the transaction or the document and only a superficial glance will yield such a conclusion which is unsustainable. The document under reference will be treated as a rectification deed.

Sd/-  
COMMISSIONER

//True copy//

Endorsement No. RR4/23305/82

Office of the Inspector  
General of Registration,  
Thiruvananthapuram Dt. 7.4.03

Copy communicated for information. The District  
Registrars (General) should communicate the same to the  
Sub Registrars.

Sub...