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From The Inspector General of Registration

To  
All Deputy Inspectors General of Registration  
All Assistant Inspectors General of Registration  
All District Registrars.  
All Sub Registrars.  
All Section Superintendents

Sir,

Sub:- Impounded document No.P4/79 of S.R.O. Pattambi - Tr. f.  
under Section 54(2) of the Kerala Stamp Act, 1959 -  
nature of document - decision communicated.  
Ref:- D.Dis.272/77/LRA.3 dated, 13.6.1983.

A copy of the Proceedings with copy of the document is forwarded herewith for information and necessary action. All Sub Registrars are requested to acknowledge receipt of the same to the respective District Registrars. The acknowledgement of the Sub Registrars should be duly obtained and filed in the offices of the concerned District Registrars.

Yours faithfully,

for Inspector General of Registration.

Proceedings of the Board of Revenue (LR) Triv andrum.

L.Di-272/77/LRA.3.

Dated, 13-6-1983.

Sub:- Document No.P4/79 of Sub Registry Office, Pattambi -  
Reference u/s 54(2) of the Kerala Stamp Act, 1959 -  
nature of document - decision communicated.

Read: 1. G1-5828/79 dt. 23.4.80 14-11-79 from the District Registrar, Palghat.  
2. Ins.4-42742/79 dt. 23.4.80 from the Inspector General of Registration.

The District Registrar, Palghat in his report read as first paper above has forwarded copy of the impounded document No.P4/79 of Sub Registry Office, Pattambi under section 52(2) of the Kerala Stamp Act, 1959 for the decision of the Board regarding the nature of document and stamp duty payable thereon.

2. The document No.P4/79 of S.R.O. Pattambi is styled as a 'release deed' for Rs.20,000/- bearing a stamp duty of Rs.30/-. The District Registrar, Palghat has expressed the view that the document is a conveyance. The

contd.....2.



1. The Registrar who has been consulted in the matter has advised that the document is a Conveyance for Rs.20,000/-.

2. The party has represented before the Board and has stated that he did not want to be heard in this case and requested the Board to take a decision in the matter without hearing. The Board has perused the reports and records of the case. By the document under reference, three executants have transferred their share in the scheduled properties to a claimant for a consideration of Rs.20,000/-. Executant No.1 is the mother and the executant No.2 and 3 are the brother and sister of the claimant respectively. The properties in the schedule are exclusively owned and possessed by the executant No.1 alone as per the sale deed No.174/1966 of the S.R.O. Pattambi and as per the certificate of purchase No.1932/75 in O.A.11160/75 of the Pattambi Land Tribunal No.I, 2106/75 in O.A.11159/75 of the Pattambi Land Tribunal No.III and 2798/77 in S.M.11547/76 of the Special Munsiff Land Tribunal, Ottappalam. The names of other parties purporting to be co-owners are not seen included in the above sale deed and the certificate of purchase. It is also not seen recited in the abovesaid deed and the certificates of purchase that the properties are purchased for and on behalf of the family. From the facts mentioned above the parties to the deed and the certificates of purchase do not appear to be co-owners as per the recitals in the document under reference. In order to constitute a release, the parties to the deed should be co-owners of the property. Since the claimant and executants Nos.2 and 3 have no right over the properties during the life-time of executant No.1, the transfer of right for a consideration of Rs.20,000/- can only be construed as a conveyance. In the circumstances, the Board holds that the document No.P4/79 of S.R.O. Pattambi is a Conveyance for Rs.20,000/- which attracts article 21 of the schedule to the Stamp Act requiring transfer duty in addition.

(By order)

Sd/-

Secretary.

Copy to the Inspector General of Registration,  
Trivandrum (vide his Ir.No.42742/79 dt. 23.4.80)

Forwarded/by order

Sd/-

~~For Secretary~~

//True copy//

for Inspector General of Registration.

T.Balkn/1/7



ജില്ലാ രജിസ്ട്രാറഫീസ്  
പാലക്കാട്, 14-11-1979.

/ശരിപകർപ്പ്/

ജില്ലാ രജിസ്ട്രാർ ഓഫീസ്

സമുപല്