

No. D.Dis./11827/97/LR(A)3.

Dated: 14.11.99.

Sub :- KSA - Appeal petition filed against the order of the District Registrar (G), Palakkad - on an impounded document No. 1/96 of the Sub Registry Office, Parali - Appeal dismissed - Orders issued - regarding.

- Read:-
1. Appeal petition dated 30.6.97 filed by the Secretary Mundur Chungam, Kasheerolpadaka Sahakarana Sangam.
 2. Order No. G.1.3050/96, Dated 30.9.96 of the District Registrar (G), Palakkad.
 3. Report No. G.1. 3050/96, Dated 7.9.98 of the District Registrar (G), Palakkad.
 4. Report No. RR.4. 20978/97, dated 1.9.99 of the Inspector General of Registration.

This is an appeal petition filed by the Secretary, Mundur Chungam Kasheerolpadaka Sahakarana Sangam, against the order No.G.1. 3050/96 Dated 30.9.96 of the District Registrar (G), Palakkad, ordering to release the deficit Stamp duty of Rs. 15300/- and penalty of Rs. 100/- on an impounded document No. P1/96 of the Sub Registrar Office, Parali.

The document No. P1/96 of the Sub Registrar Office, Parali, has been styled as a rectification deed on unstamped paper. The Sub Registrar, who impounded the document and the District Registrar (General) are of the opinion that the boundaries, Scheduled property, its measurements etc. are all changed from the original deed and so the document has to be considered as a fresh sale deed. The Inspector General of Registration is also of the same opinion about the above impounded document.

The main contention of the petitioner is that the document No. 3940/95 was registered before the Sub Registrar Office Parali, subsequently it was ascertained that a slight mistake was committed in the schedule of property. Then the rectification deed was prepared and again submitted before the Sub Registrar Office, Parali for registration.

The matter for determination before the Commissionerate is whether the impounded document is a rectification deed or a fresh sale deed.

The Commissionerate perused the report and records of the case. On perusal of the document No. 3940/95 and the document in question, it is seen that the description of the property indicating the location and boundaries of the properties under goes changes from the original deed and so the document has to be considered as a fresh deed.

In the document No. 3940/95 it is recited that " ചുടുകൽ
 ഹടം നിലം കഴികു ഭാഗം വടകു നിന്നു തെക്കോട്ട് 44,63,49,62 തെക്കു
 ഭാഗം 111 ചുടുകൽ ഭാഗം 242 വടക്ക് 63 ലിംഗ്സ് അളവിനകത്തു സ്ഥലം
 സർവ്വെ 293/34 കേന്ദ്ര 13, സെന്റ് 94-ൽ സെ.18-യിലേക്ക് 12
 പുതിയ സർവ്വെ 421/5, 32,36.

ഭാഗം - ടി.പി.നമ്പർ : 1396
 കിഴക്ക് - കൂത്തു മൂക്കു മേട് സ്ഥലം
 തെക്ക് - എൻററും കൂത്തുവിൻററും സ്ഥലങ്ങൾ
 ചുടുകൽ - എൻററു വാടി സ്ഥലം
 വടക്ക് - വടടിവഴി.

എന്നു തെളിയിക്കുവാൻ അധികാരികൾ " ചുടുകൽ ഹടം
 നിലം കിഴക്കുഭാഗം വടകു നിന്നു തെക്കോട്ട് 111 തെക്ക് ഭാഗം 242 ചുടുകൽ
 ഭാഗം 63 വടകു ഭാഗം 44,63,49,62 ലിംഗ്സ് അളവിനകത്തു സ്ഥലം 293/3
 കേന്ദ്ര 1 സെന്റ് 94-ൽ സെന്റ് 18-യിലേക്ക് 12 പുതിയ സർവ്വെ 421/5,
 32,36 അറിവ് ഭാഗം ടി.പി.നമ്പർ 1396.

കിഴക്ക് - എൻററും കൂത്തുവിൻററും സ്ഥലങ്ങൾ.
 തെക്ക് - എൻററു വാടി സ്ഥലം.
 ചുടുകൽ - വടടിവഴി.
 വടക്ക് - കൂത്തു മൂക്കു മേട് സ്ഥലം.

There is material change in every respect. The execut-
 ents of the first document and that of the document in question
 are one and the same. Though the executant, Sy. No. are the
 same the descriptions of the property and boundaries are
 different. Moreover the property is located in Mundar Pan-
 chayat, this has been noted in document No. 3940/95, but not
 seen noted in the document in question. Such documents can
 not be considered as rectification deed, it is a fresh sale
 deed.

In the circumstance the Commissionerate agrees with the
 views of the Registration authorities and holds that the
 impounded document No. P1/96 of the Sub Registrar Office,
 Parli is a sale deed falling under Article 21 of schedule
 to Kerala Stamp Act.

Contd. ... 3.

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The appeal petition is dismissed.

Sd/-
COMMISSIONER

To

The Secretary, Mundur Chungam Kasheerolpadaka,
Sahakaran Sangam Mundur.

Copy to: The Inspector General of Registration,
Thiruvananthapuram.

Forwarded/By Order,
Sd/-
SUPERINTENDENT.

W/ True Copy //

Endorsement No. RR.4. 20978/97. Office of the Inspector
General of Registration,
Kerala, Trivandrum,
Dated : 10.1.2000.

Copy communicated for information.

Sushama
FOR INSPECTOR GENERAL OF REGISTRATION.

To

All District Registrars (A1 and Audit).

All Deputy Inspector General of Registrations.

T.S. : 13/1.