

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V  
THURSDAY, THE 1<sup>ST</sup> DAY OF JULY 2021 / 10TH ASHADHA, 1943  
WP(C)NO. 13104/2021(K)

PETITIONER:

1. ADV. MOHAMMED SALIH P.M., AGED 34 YEARS, S/O. POOKUNHI B K,  
PUTHIYAMOOLECHETTA(H), AMINI ISLAND, UNION TERRITORY OF  
LAKSHADWEEP-682552.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF HOME  
AFFAIRS, CENTRAL SECRETARIAT, NEW DELHI-110001.
2. THE ADMINISTRATOR, ADMINISTRATION OF UNION TERRITORY OF  
LAKSHADWEEP, KAVARATTI, UNION TERRITORY OF LAKSHADWEEP-682555.
3. THE DISTRICT COLLECTOR, UNION TERRITORY OF LAKSHADWEEP,  
COLLECTORATE, KAVARATTI ISLAND-682555.
4. THE SUB-REGISTRAR, SUB-REGISTRAR OFFICE, AMINI ISLAND, UT OF  
LAKSHADWEEP-682552.

WRIT PETITION(CIVIL)praying inter alia that in the  
circumstances stated in the affidavit filed along with the the  
High Court be pleased to stay all the proceedings pursuant to  
Exhibit P2 pending disposal of the Writ Petition(C) and render  
justice.

This petition coming on for admission upon perusing the  
petition and the affidavit filed in support of and upon hearing  
the arguments of M/S.SAIBY JOSE KIDANGOOR, BENNY ANTONY PAREL,  
S.SIBHA, PARVATHY VIJAYAN, MAYIKA SUNDAR, VENKETESH BOSE & ARJUN  
ANIL Advocates for the petitioners, ASSISTANT SOLICITOR GENERAL OF  
INDIA for respondent 1 and of SRI. S.MANU,STANDING COUNSEL for  
respondents 2 to 4, the court passed the following:-

P.T.O.

**RAJA VIJAYARAGHAVAN V, J.**

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**W.P.(C) No.13104 of 2021**  
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**Dated this the 1st day of July, 2021**

**ORDER**

Notice before admission to the respondents. The learned ASGI takes notice for respondent No.1. Sri.S.Manu, the learned Standing Counsel takes notice for respondents Nos.2 to 4.

2. I have heard Sri.Saiby Jose Kidangoor, the learned counsel appearing for the petitioner and Sri. S.Manu, the learned Standing Counsel appearing for the Lakshadweep Administration.

3. Sri. Saiby the learned counsel submitted that by the impugned notification issued by the District Collector, the existing stamp duty which was at 1% uniformly was revised and restructured. The notification states that stamp duty would be 6% for female ownership, 7% for joint ownership of male and female and 8% for others on the total valuation. This, according to the learned counsel, is clearly violative of Article 14 of the Constitution of India. According to the learned counsel, the fixation at a varying range is not found on an intelligible differentia and

it has no rational basis. The learned counsel would further refer to Section 9 of Act II of 1899 and it is argued that Section 9 of the Act confers powers only to the Government to reduce, remit or compound duties. It is contended that the provisions of Sections 9 and 75 of the Act have not been complied with.

4. The learned standing counsel appearing for the Administration would place reliance on a judgment of the Apex Court in **Assistant Collector of Central Excise, Chandan Nagar, West Bengal v. Dunlop India Ltd. and Ors.** [(1985) 1 SCC 260] and it is argued that the Apex Court would deprecate the practice of grant of interim order in matters relating to collection of public revenue.

Having considered the submissions advanced, I am prima facie of the view that the petitioners have made out a good case on merit. There will be an interim order as prayed for, for a period of three weeks. The respondents shall file their counter within such period.

Sd/-  
**RAJA VIJAYARAGHAVAN V,  
JUDGE**

sru

17/4

01-07-2021

/True Copy/

Assistant Registrar

**EXT.P2. TRUE COPY OF THE NOTIFICATION NO.F. NO. 34/13-2011-LR DATED 5-5-2021  
OF THE GOVERNMENT OF INDIA LAKSHADWEEP ADMINISTRATION.**

