IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

WEDNESDAY, THE 22ND DAY OF JULY 2026 / 31ST ASHADHA, 1948

WP(C) NO. 36302 OF 2016

PETITIONER:

THE BRANCH MANAGER
STATE BANK OF TRAVANCORE,
ATHIKAYAM BRANCH,
NARANAMOOZHY P.O.,
PATHANAMTHITTA DISTRICT-689711.

BY ADVS.
SHRI.T.SETHUMADHAVAN (SR.)
SHRI.K.JAYESH MOHANKUMAR
SRI.PUSHPARAJAN KODOTH

RESPONDENTS:

1. **STATE OF KERALA**
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. **SUB REGISTRAR**
OFFICE OF THE SUB REGISTRAR,
PERUNAD-689711.
3. **DISTRICT REGISTRAR AUDIT**
PATHANAMTHITTA DISTRICT-689645.

SRI. HAROON RASHEED, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.07.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V. BALAKRISHNAN, J.

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W.P.(C) No.36302 of 2016

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Dated this the 22nd day of July, 2026

J U D G M E N T

The petitioner Bank, for starting a Branch at Athikayam had taken a premise for lease as per Ext.P1 registered lease deed No.1057/2014. As per Clause 5(ii) of Ext.P1, the lessee was also entitled to use the premises for installation of ATM(s) and no separate rent was fixed for the same.

2. After registration, the 2nd respondent issued Ext.P2 communication, calling upon the petitioner to remit a further sum of Rs.37,500/- as stamp duty with respect to ATM counter provided in Ext.P1 document. Ext.P2 was issued on the basis of

audit objection raised by the 3rd respondent as per Ext.P3. Exts.P2 and P3 were issued on the basis of introduction of Article 5(e) to the Kerala Stamp Act, 1959 (hereinafter referred to as 'Stamp Act', for short) by the Kerala Finance Act, 2015, as per which Rs.2,500/- has to be paid a year for documents executed relating to installation of ATM counter. It is in such circumstance, the petitioner has approached this Court by filing this writ petition challenging Exts.P2 and P3.

3. The 2nd respondent has filed a counter affidavit, the gist of which is as follows:- Ext.P1 lease deed was executed for a period of 15 years and the same was registered by the SRO as document No.1057/2014. The document was registered by the SRO on the presumption that it is duly stamped. Later, on scrutiny of the document by the Deputy Inspector

General of Registration (South Zone), it was noticed that there is deficiency of stamp duty relating to the installation of ATM since, as per Article 5(e) of the Stamp Act introduced by the Kerala Finance Bill, 2015, stamp duty at the rate of Rs.2,500/- per year has to be paid. The 3rd respondent - District Registrar, in his Annual Audit Report dated 08.04.2015 also raised certain objections against this document and reported that the document was not duly stamped and there is a shortage of Rs.37,500/-. Smt.B.Geetha Devi - the Sub Registrar, who registered the document, submitted her argument against this objection to the Deputy Inspector General of Registration (South Zone), Thiruvananthapuram through the District Registrar (Audit) Pathanamthitta. But the Deputy Inspector General of Registration (South Zone) ordered that the stamp duty of the document was insufficient and directed to pay the deficit stamp duty of Rs.37,500/- by the Sub Registrar concerned. As the Sub Registrar is a low paid employee, she was unable to pay such a huge amount. Hence, Ext.P2 notice dated 05.04.2016, came to be issued with a request to the petitioner to pay the deficit stamp duty.

4. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

5. In the instant case, the petitioner is challenging Ext.P2 order passed by the Sub Registrar, demanding payment of deficit stamp duty of Rs.37,500/-. Ext.P2 is on the basis of Ext.P1 lease deed executed by the petitioner and the lessor, which covers installation of an ATM in the premise, for which the stamp duty at the rate of Rs.2,500/- per year has to be paid, as per the

amendment brought in to the Stamp Act, by the Kerala Finance Bill, 2015.

6. Even though this Court has put specific queries regarding the power of the Sub Registrar to issue Ext.P2 order, the learned Government Pleader fairly submitted that there are no provisions under the Stamp Act, other than Section 33A, enabling the SRO to do the same. But a perusal of Section 33A would to go show that the same was introduced only by the Kerala Finance Act, 2019 and it had come into effect only on 01.04.2019. Since, in the instant case, Ext.P2 order has been issued in the year 2016, there cannot be any application of the afore provision.

7. That apart, a perusal of the counter affidavit of the 2nd respondent would go to show that the Deputy Inspector General of Registration, after

noticing the deficit in the stamp duty, has directed the Sub Registrar concerned, who has registered Ext.P1 lease deed, to make up the loss caused to the exchequer. It shows that the Deputy Inspector General of Registration has also ordered the then Sub Registrar to pay the said amount and that it is only because she, being a low paid employee, was unable to pay such a huge amount, Ext.P2 came to be issued to the petitioner requesting him to pay the amount. The afore reason, undoubtedly, cannot be treated as a valid ground to issue Ext.P2.

Ergo, for the reasons stated afore, this writ petition is allowed and Ext.P2 order issued by the 2nd respondent is quashed.

Sd/-

P.V. BALAKRISHNAN, JUDGE

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APPENDIX OF WP(C) NO. 36302 OF 2016

PETITIONER EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE SALE DEED REGISTERED AS DOCUMENT NO.1057/2014 OF THE S.R.O., PERINAD.**
EXHIBIT P2	**TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DT. 5-4-2016.**
EXHIBIT P3	**TRUE COPY OF AUDIT OBJECTION ATTACHED WITH EXT. P2.**
EXHIBIT P4	**TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT PASSED IN W.P.C. NO.37218/2015 DATED 15-7-2016.**