

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 548 of 2015 (P)

PETITIONER:

**K.S. RAMACHANDRAN @ K.S.R CHANDRAN,
S/O.LATE SIVARAMA AYYAR,
KOTTIVATTATHU MADATHIL, THRIKKANGOTTU AMSOM,
MANISSERI DESOM, OTTAPPALAM TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.RAMACHANDRAN
SMT.M.C.BINDUMOL**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD - 678 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT-679 101.**
- 3. THE VILLAGE OFFICER,
AMBALAPPARA-I VILLAGE,
P.O.AMBALAPPARA -679 512, OTTAPPALAM,
PALAKKAD DISTRICT**
- 4. KOMBI, S/O.NANCHAN
PANAKKATTIL HOUSE, VENGASSERI AMSOM DESOM,
P.O.VENGASSERI, OTTAPPALAM, PALAKKAD DISTRICT-679516.**
- 5. KAMALAKSHI, W/O.KOMBI
DO. DO. -679 516**

R1 TO R3 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

R4 & R5 BY ADV. SMT.S.KARTHIKA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 548 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE LAND REVENUE RECEIPT NO.5855384 DATED 28-7-02
ISSUED FROM AMBALAPPARA-I VILLAGE OFFICE**

**EXT.P2 - TRUE COPY OF THE REPRESENTATION DATED 6-6-2014 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT**

**EXT.P3 - TRUE COPY OF THE REPRESENTATION DATED 01-12-2014 FILED BY THE
PETITIONER BEFORE THE FIRST RESPONDENT**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 548 of 2015

Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to accept land revenue from the petitioner in respect of 17.72 acres of his property comprised in Sy Nos.189/1-5, 188/7, 8 & 10, 105/1 & 2, 228/6, 227/11, 218/2, 216/3 & 4 and R.S. 537/1-A, 2A, 3 & 4 of Ambalappara-1 Village;*
- (ii) Direct respondents 1 and 2 to order the third respondent to receive land revenue from the petitioner in respect of 17.72 acres of his property comprised in Sy Nos.189/1-5, 188/7, 8 & 10, 105/1 & 2, 228/6, 227/11, 218/2, 216/3 & 4 and R.S. 537/1-A, 2A, 3 & 4 of Ambalappara-1 Village or at least to consider and dispose of Exts.P2 and P3 representations submitted by the petitioner immediately and pass appropriate orders;*
- (iii) Render such other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”*

2. Pursuant to service of notice on admission the party respondents have also appeared. The grievance is with regard to the refusal on the part of the Revenue authorities in accepting the

tax from the petitioner in tune with the provisions of the Kerala Land Tax Act. It is stated that, a Civil Suit was pending between the parties, which came to be finalised in favour of the petitioner and the tax was being accepted by the Revenue authorities accordingly. But all of a sudden, they have stopped collection of tax in respect of the subsequent years, which made the petitioner to approach this Court by filing the writ petition.

3. The learned counsel appearing for the party respondent points out that, they have already preferred RFA No.784/2008 before this Court and that an interim order of stay has been obtained.

4. The learned counsel for the petitioner points out that, the stay granted by this Court is only with regard to the execution proceedings, which in no way stands against the petitioner in satisfying the tax, nor there is any bar preventing the Revenue authorities from accepting the same in terms of the Kerala Land Tax Act.

5. In the above circumstances, there will be a direction to the Revenue authorities to accept the tax from the petitioner in respect of the properties concerned as and when the same is

tendered, which however shall be subject to the outcome of the RFA No.784/2008, pending before this Court.

The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn