

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 718 of 2015 (L)

PETITIONER:

**MARSHALL,
S/O. SELVARAJAN, AGED 37 YEARS,
KONGAMPARA, KOZHIPPARA P.O.,
PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

- 1. THE TAHASILDAR,
PALAKKAD, PIN - 678 001.**
- 2. THE VILLAGE OFFICER,
PUDUSSERI EAST VILLAGE,
PALAKKAD DISTRICT, PIN -678 007.**
- 3. THE TALUK LAND BOARD,
PALAKKAD, PIN - 678 001,
REPRESENTED BY ITS CHAIRMAN.**

BY SENIOR GOVT. PLEADER SRI.MUHAMMED SHAFI.M

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 718 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- A TRUE COPY OF THE SALE DEED NUMBER 4787/2014 OF THE SRO, PALAKKAD.
- EXHIBIT-P2- A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19/08/2014 ISSUED IN THE NAME OF MOHAMMED ALI.
- EXHIBIT-P3- A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 18/09/2014 ISSUED IN THE NAME OF THE PETITIONER.
- EXHIBIT-P4- A TRUE COPY OF THE REGISTERED SALE DEED NUMBER 4786/2014 OF THE SRO, PALAKKAD.
- EXHIBIT-P5- A TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19/08/2014 ISSUED IN THE NAME OF JOHN BOSCO.
- EXHIBIT-P6- A TRUE COPY OF THE ORDER POSSESSION CERTIFICATE DATED 18/09/2014 ISSUED IN THE NAME OF THE PETITIONER.
- EXHIBIT-P7- A TRUE COPY OF THE ORDER DATED 02/12/2014 OF THE 2ND RESPONDENT.
- EXHIBIT-P8- A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 18/06/2009 IN W.P(C) 26227/2008.
- EXHIBIT-P9- A TRUE COPY OF THE JUDGMENT DATED 03/11/2010 IN W.P(C) 21093/2010 OF THIS HONBLE COURT.
- EXHIBIT-P10- A TRUE COPY OF THE JUDGMENT DATED 05/04/2013 IN W.P(C) 3820/2013 OF THIS HONBLE COURT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 718 of 2015

Dated this the 13th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ in the nature of mandamus commanding the respondents 1 and 2 to collect basic tax from the petitioner in respect of 3.45 ACRES of land in Re-Sy.No.42/5, 56/5, 52/14,52/9, 52/8, 49/6 and 49/5 in Resurvey Block No.32 of Pudurseri East Village in Palakkad Taluk, belonging to him, covered by Exts.P1 and P4 and issue him a possession certificate.

ii) issue such other writ, order or directions which are deemed fit and proper on the facts and circumstances of the case and in the interest of justice."

2. The case of the petitioner is that the property concerned herein having an extent of 3.45 ACRES of land in Re-Sy.No.42/5, 56/5, 52/14,52/9, 52/8, 49/6 and 49/5 in Resurvey Block No.32 of Pudurseri East Village in Palakkad Taluk exclusively belongs to the petitioner. It is also pointed out that the petitioner is enjoying the same also remitting basic tax after effecting mutation under the Transfer of Registry Rules. The case of the petitioner is that

quite recently, the respondents refused to accept the tax in respect of the concerned property stating that there is some ceiling cases against the said property. It is submitted that absolutely no notice has been served to the petitioner as to the involvement of the property in ceiling case.

3. Heard the learned Government Pleader as well.

4. There is absolutely no justification for refusing to accept the land tax; more so since mutation has already been effected and the concerned respondent had accepted the tax from the petitioner. Accordingly, there will be a direction to the second respondent/Village Officer to accept the land tax in respect of the property, as and when the same is tendered. However, it is made clear that this will not bar the way of the respondents in proceeding with further steps against the property, if at all the property concerned is a subject matter of any ceiling case. There is further direction to the second respondent/Village officer to issue possession certificate to the petitioner, after verifying the relevant documents, at the earliest, at any rate, within 'two weeks' from the date of receipt of a copy

of the judgment.

The writ petition is disposed of.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/Village Officer for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

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