

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 2427 of 2015 (C)

PETITIONER:

**ALAVI,
S/O.KUTTY HASSAN,AGED 40 YEARS, KATTUVALAPPIL,
KARIMPUZHA AMSOM DESOM, P.O.KARIMPUZHA,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

- 1. THE TAHSILDAR,
OTTAPALAM, PALAKKAD DISTRICT, PIN-679 101.**
- 2. THE VILLAGE OFFICER,
KARIMPUZHA I VILLAGE,
PALAKKAD DISTRICT, PIN-679 513.**
- 3. THE TALUK LAND BOARD,
MANNARKKAD, PALAKKAD, PIN-678 582.**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 A TRUE COPY OF THE PURCHASE CERTIFICATE NUMBER 97/1980
ISSUED BY SREEKRISHNAPURAM LAND TRIBUNAL.
- EXT.P2 A TRUE COPY OF REGISTERED SALE DEED NUMBER 898/2002 OF THE
SRO MANNARKAD
- EXT.P3 A TRUE COPY OF THE REGISTERED RELEASE DEED NUMBER
2646/2004 OF THE SRO MANNARKKAD
- EXT.P4 A TRUE COPY OF BASIC TAX PAID RECEIPT ISSUED BY THE 2ND
RESPONDENT
- EXT.P4(A) A TRUE COPY OF BASIC TAX PAID RECEIPT ISSUED BY THE 2ND
RESPONDENT
- EXT.P4(B) A TRUE COPY OF BASIC TAX PAID RECEIPT ISSUED BY THE 2ND
RESPONDENT
- EXT.P5 A TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE SECOND
RESPONDENT
- EXT.P6 A TRUE COPY OF THE BUILDING TAX PAID RECEIPT ISSUED BY THE
KARIMPUZHA GRAMA PANCHAYATH
- EXT.P7 A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT
DTD. 18.6.2009 IN W.P(C).NO.26227/2008
- EXT.P8 A TRUE COPY OF THE JUDGMENT DATED 3.11.2010 IN W.P(C)
NO.21093/2010 OF THIS HON'BLE COURT.
- EXT.P9 A TRUE COPY OF THE JUDGMENT DATED 5/4/2013 IN
WPC.NO.3820/2013 OF THIS HON'BLE COURT

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2427 of 2015

Dated this the 23rd 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 10 cents of land in Sy.No. 139/16 A1 of Krimpuzha I Village, belonging to him, covered by Ext.P2 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 he is owner of the property having an extent of 10 cents in Sy.No.139/16 A1 of Krimpuzha I Village in Ottapalam taluk covered by Exts.P1 to P3. It is pointed out that the petitioner is enjoying the same also remitting basic tax after effecting mutation under the Transfer fo Registry Rules. Copies of tax receipts are produced as Ext.P4 series. Ext.P6 is the receipt of building tax remitted. The case of the petitioner is that, quite recently, the respondents refused to accept the tax in respect of the property, referring to some 'ceiling case'. It is pointed out that no notice has been served to the petitioner as to the involvement of the property in

any 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 been accepting 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 covered by Exts. P1 to P3 documents, 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, in accordance with law, if at all the property concerned is the subject matter of any ceiling case. There will be a 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 cop of the writ petition before the second respondent/Village Officer for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

kp/-