

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 3341 of 2015 (P)

PETITIONER(S):

**K.D. CHERIYACHAN, S/O.LATE DEVASSIA,
AGED 51 YEARS, KADAVIL PARAMBIL HOUSE,
PATHIRAPALLY P.O., ALAPPUZHA DISTRICT-688 521.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN,
SRI.M.D.SASIKUMARAN,
SRI.GEORGE MATHEW,
SRI.SUNIL KUMAR A.G,
SRI.DIPU JAMES.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY,REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
ALAPPUZHA-688 001.**
- 3. THE ADDITIONAL TAHSILDAR,
AMBALAPUZHA TALUK, TALUK OFFICE,
ALAPPUZHA-688 001.**
- 4. K.J. ANTONY, KANDATHIL HOUSE,
PATHIRAPALLY. P.O., ALAPPUZHA-688 521.**

R1 TO R3 BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 3341 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE BASIC TAX RECEIPT DATED 26.08.2011.
- P2- TRUE COPY O THE BASIC TAX RECEIPT DATED 12.08.2013.
- P3- TRUE COPY OF THE APPLICATION DATED 03.06.2014.
- P4- TRUE COPY OF THE REPORT DATED 07.10.2014.
- P5- TRUE COPY OF THE APPLICATION DATED 18.09.2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3341 OF 2015

Dated this the 3rd day of February, 2015

J U D G M E N T

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The petitioner has approached this Court with the following prayers:

- “i) To issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 2<sup>nd</sup> respondent to consider and dispose of Ext.P5 after hearing the petitioner within a time frame to be fixed by this Hon'ble Court;
- ii) to issue a writ of mandamus or any other appropriate writ, order or direction commanding the 3<sup>rd</sup> respondent to consider and dispose of Ext.P3 application in accordance with law, after hearing the petitioner within a time frame to be fixed by this Hon'ble Court;
- iii) to issue a writ of mandamus or any other appropriate writ, order or direction, commanding the respondents to accept basic land tax from the petitioner for the entire property covered by Ext.P1.”

2. The learned counsel for the petitioner submits that the petitioner is actually in ownership and possession of the

property having an extent of 6.50 Ares as covered by Ext.P1 and is enjoying the same to the exclusion of all others. However, pursuant to the re-survey, there occurred some mistake, whereby the extent of the property belong to the petitioner has been shown as reduced to the extent of 2.02 Ares, as entered in the revenue records, discernible from Ext.P2. This made the petitioner to approach the 2<sup>nd</sup> respondent by filing Ext.P5 and no action has been taken despite the pendency for more than four months. This made the petitioner to approach this Court by filing the Writ Petition. The learned counsel for the petitioner also points out that there is absolutely no rhyme or reason for the observation made in Ext.P4 to have the said extent shown as in the name of the 4<sup>th</sup> respondent herein.

3. Heard the learned Government Pleader as well.

4. Considering the limited prayer as sought for, this Court does not find it necessary to issue notice to the 4<sup>th</sup> respondent for the time being. This Writ Petition is disposed of, directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P5, in accordance with law, after affording an opportunity of hearing to the petitioner and also the 4<sup>th</sup>

respondent. This shall be done, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the Writ Petition before the 2<sup>nd</sup> respondent for further steps.

sd/-

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

ps/3/2/2015