

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 4364 of 2015 (U)

PETITIONER:

**KADEEJA, W/O LATE.ABDUL KAREEM,
AGED 31 YEARS,
KARIPPATHODIL HOUSE, WANDOOOR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.U.K.DEVIDAS
SMT.P.M.SHAHIDA**

RESPONDENT(S):

- 1. THE TAHSILDAR, TALUK OFFICE
NILAMBUR, MALAPPURAM DISTRICT 679 330.**
- 2. THE VILLAGE OFFICER
WANDOOOR VILLAGE, MALAPPURAM DISTRICT -679 328.**
- 3. THE DISTRICT COLLECTOR
MALAPPURAM DISTRICT. 676 505**

R1 TO R3 BY (SR) GOVERNMENT PLEADER SRI. K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 4364 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF THE JUDGMENT DATED 13-01-2012 IN OP.NO.10656/2003.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4364 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner herein joining hands with her daughter by name 'Seema', had approached this Court earlier by way of O.P. No.10656 of 2003 seeking for the following reliefs:

"i. call for the records leading to the case and issue a writ of certiorari or any other appropriate writ, order or direction quashing Exts.P4, P6 and P7 notices, as the same are illegal.

ii. declare that the land and building (0.02 Ares [2 cents]) situated in R.S. No.137/3 of Wandoor Village exclusively belong to the petitioners and other sharers.

iii. issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents not to proceed against the properties owned and enjoyed by the petitioners under the provisions of Enemy Property Act, 1968.

iv. stay the operation of Exts.P4,P6 and P7 notices issued by the second and third respondents, till the disposal of this original petition."

2. The petitioners therein were aggrieved of the action taken by the respondents in proceeding against the properties

concerned under the provisions of the Enemy Property Act, 1968 in spite of the fact that the petitioners were Indian citizens. The matter was considered and finalised as per Ext.P1 judgment dated 13.01.2012, whereby the impugned notices were set aside and the prayers raised in the O.P. were allowed. The matter has become final. In spite of the factual position as above, the attempt made by the petitioner to satisfy the tax in terms of Kerala Land Tax Act is not acceded to and since tax is refused to be accepted, the petitioner finds it difficult to enjoy the property in an effective manner. This made the petitioner to approach this Court again by filing this writ petition.

3. Heard the learned Government Pleader as well.

4. It is stated that, the petitioner has not approached the concerned respondent at any point of time, nor any proceeding is pending consideration.

5. In the above circumstances, the petitioner is set at liberty to file necessary application before the first respondent for redressal of the grievances, if any, and if any such petition is filed within 'two weeks' from the date of receipt of a copy of this judgment, the same shall be considered and appropriate orders

shall be passed, so as to enable the petitioner to satisfy the tax in respect of the property concerned and to enjoy the property accordingly.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

The writ petition is disposed of.

Sd/-

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

sp