

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 4874 of 2014 (H)

PETITIONER(S) :

**JOHN, S/O.VARGHESE,
PATTUPARAMBIL HOUSE, CHATTUPARA KARA,
MANNAMKANDAM VILLAGE, IDUKKI DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, PAINAVU, IDUKKI- 685 603.**
- 2. THE TAHASILDAR,
DEVIKULAM TALUK, DEVIKULAM, IDUKKI DISTRICT- 685 561.**
- 3. THE VILLAGE OFFICER,
MANNAMKANDAM VILLAGE, ADIMALI, DEVIKULAM TALUK,
IDUKKI DISTRICT- 685 561.**

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 4874 of 2014 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE PATTA OF THE PETITIONER.

**EXHIBIT P2: TRUE COPY OF THE LAND TAX RECEIPT OF PROPERTY
DATED 02.07.1994.**

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.4874 of 2014

Dated this the 9th day of September, 2015.

J U D G M E N T

The petitioner has approached this Court on account of non acceptance of land tax in respect of the land situated in Survey No.1368/part of Mannamkanadm village.

2. In this matter, a counter has been filed by the 2nd respondent. It is stated in paragraph 3 therein as follows :

"It is submitted that the petitioner was in absolute possession and ownership of 46.750 cents of land comprised in Sy.No.1368/part in Mannamkandamm village as per patta No.L.A.55/77 dated 30.7.1977 issued by the Special Tahsildar, Land Assignment, Devikulam and the petitioner remitted tax to his property up to 02.07.1994 as per thandapper No.P 2587. The above mentioned survey number and thandapper number are as per the old survey records (ie., before the enforcement of re-survey). In Mannamkandam village, the resurvey records came into existence in the financial year 1997-98. The land in question has not been included in the re-survey records and the survey number of the petitioner's property has not been correctly identified so far. For that reason, the land tax of the said property has not been accepted by the Village Officer.

It is submitted that now, a direction has given to the Taluk Surveyor, Devikulam from this office as per letter

No.D3-4006/14 dated 23.07.2014 to take urgent action in this case."

3. In the light of the facts and circumstances of the case, this Court is of the view that the Tahsildar shall direct the Taluk Surveyor to conduct survey of the petitioner's land within a period of 3 months. Based on the completion of survey of the land, the land tax with respect to the petitioner's property shall be accepted by the 2nd and 3rd respondents.

Writ petition is disposed of accordingly.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge