

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 5059 of 2015 (F)

PETITIONER :

**ISLAMIC CENTRE, VIRIPPADAM,
REPRESENTED BY ITS SECRETARY MUSTHAFA HUDAWI,
S/O KUNHI MUHAMMED, VIRIPPADAM, MALAPPURAM DISTRICT**

**BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL**

RESPONDENTS :

- 1. THE VILLAGE OFFICER, VAZHAKKAD
673 640 MALAPPURAM DISTRICT**
- 2. THE TAHASILDAR,KONDOTTY TALUK OFFICE,
MALAPPURAM DISTRICT 673 001**

BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, ALONG WITH WPC. 3670/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE SALE DEED NO.392 OF 2006 DATED 24.2.2006.

**EXHIBIT P2: A TRUE COPY OF THE RELEASE DEED NO. 439 OF 2008
DATED 16.2.2008**

**EXHIBIT P3: A TRUE COPY OF THE LAND TAX RECEIPT ISSUED TO THE
PETITIONER DATED 5.9.2007.**

**EXHIBIT P4: A TRUE COPY OF THE DECREE IN O.S. NO. 111 OF 2006 OF
SUBORDINATE JUDGES COURT, MANJERI DATED 11.3.2014.**

**EXHIBIT P5: A TRUE COPY OF THE DECREE IN O.S. NO. 26 OF 2010 OF
SUBORDINATE JUDGES COURT, MANJERI**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.5059 of 2015

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Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner is an Institute registered under the provisions of the Societies Registration Act. As per Ext.P1 sale deed dated 24.02.2006, an extent of 11 Ares and 20 M² in R.S No.88/3 of Vazhakkad Village was purchased and the rights came to be enjoyed exclusively pursuant to Ext.P2 release deed dated 16.02.2008 executed by the other co-owners. Ext.P3 is a copy of the receipt with regard to the satisfaction of tax under the Kerala Land Tax Act. Steps taken by the petitioner to satisfy tax for the subsequent period came to be turned down by the respondents referring to the existence of a civil suit, which made the petitioner to approach this Court by filing the writ petition.

2. Heard the learned Government Pleader as well.

3. The learned counsel for the petitioner points out that the civil suit was in no way related to the rights and liberty of the

petitioner and the satisfaction of tax. In any view of the matter, since the alleged adverse circumstances is over, as borne by Ext.P5 decree dated 11.03.2014 in O.S No.26 of 2010 of the Sub Court, Manjeri, it can't be a bar. The learned Government Pleader points out that the only insinuating circumstance was the pendency of the civil suit.

4. In the said circumstance, there will be a direction to the 1st respondent to accept land tax in respect of the property covered by Ext.P1, under the relevant provisions of Kerala Land Tax Act, as and when the same is tendered.

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

The writ petition disposed of.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv