

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).NO. 6060 OF 2015 (F)

PETITIONER(S):

- 1. THEKKE PUTHALATH ABDU RAHIMAN,
S/O.MAMMED KOYA, AGED 66 YEARS, 'SALEENA MANZIL',
OLAVANA AMSOM & DESOM, KOZHIKODE TALUK,
KOZHIKODE DISTRICT.**
- 2. THEKKE PUTHALATH ABDUL NAZAR,
S/O.T.P.ABDU RAHIMAN, AGED 36 YEARS,
'SALEENA MANZIL', OLAVANA AMSOM & DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.SANEESH KUMAR,
SMT.V.B.SANTHINI.**

RESPONDENT(S):

- 1. THE TAHSILDAR,
TALUK OFFICE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT, PIN - 673 004.**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 004.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKODE DISTRICT, PIN - 673 016.**

BY GOVT.PLEADER SRI.SUDHEESH KUMAR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE SECRETARY OLAVANNA GRAMA PANCHAYATH DATED 08.01.2009 IN FAVOUR OF THE PETITIONERS.
- P2- TRUE COPY OF THE ASSESSMENT ORDER DATED 25.02.2012 ISSUED BY THE 1ST RESPONDENT, TAHSILDAR, KOZHIKODE TALUK.
- P3- TRUE COPY OF THE APPEAL FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT, REVENUE DIVISIONAL OFFICER, KOZHIKODE, DATED 14.09.2012.
- P4- TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 01.08.2013 IN APPEAL FILED UNDER SEC.11 OF THE KERALA BUILDING TAX ACT 1975.
- P5- TRUE COPY OF THE REVISION PETITION C3.41931/2013 DATED 27/08/2013 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P6- TRUE COPY OF THE STAY PETITION FILED BEFORE THE 3RD RESPONDENT BY THE PETITIONER IN REVISION PETITION C3.41931/2013, DATED 06.02.2015.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6060 OF 2015 (F)

Dated this the 26th day of February, 2015

J U D G M E N T

Against Ext.P4 appellate order passed under the Kerala Building Tax Act, the petitioners have preferred Ext.P5 revision and Ext.P6 stay petition before the 3rd respondent. The petitioners are aggrieved by the steps taken by the respondents to recover the amounts confirmed against them towards building tax.

2. Heard Sri.Saneesh Kumar, the learned counsel appearing for the petitioners as also Sri.Sudheesh Kumar, the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose the writ petition with the following directions:

1. The 3rd respondent shall consider and pass orders on Ext.P6 stay petition within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioners.

2.Recovery steps for recovery of amounts by way of building tax and interest confirmed against the petitioners shall be kept in abeyance till orders are passed by the 3rd respondent as directed above and communicated to the petitioners.

3. The order to be passed by the 3rd respondent shall be a reasoned one adverting to the contentions of the petitioners.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp