IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 7074 of 2015 (H)

PETITIONER(S):

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1. ASHARAF,
   S/O.CHEMPANKUZHIYIL MUHAMMED,
   MELATTUR P.O., MALAPPURAM DISTRICT.

2. UMMER,
   S/O.VATTIPARAMBATH ALAVI HAJI,
   VENGOOR P.O., MALAPPURAM DISTRICT.

3. RAFEEQ,
   S/O.VATTIPARAMBATH HAMSAGURUKKAL,
   VENGOOR P.O., MALAPPURAM DISTRICT.

BY ADVS.SRI.K.MOHANAKANNAN,
SMT.A.R.PRAVITHA.

RESPONDENT(S):

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1. THE TAHSILDAR,
   PERINTHALMANNA TALUK,
   MALAPPURAM DISTRICT- 679 322.

2. VILLAGE OFFICER, MELATTUR,
   MALAPPURAM DISTRICT - 679 326.

3. SREEDHARAN NAIR,
   S/O.LATE KUNJAN @ GOVINDA PANICKER,
   KOLATHODI HOUSE, MELATTUR.
   MALAPPURAM DISTRICT-679 326.

R1 & R2 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.
R3 BY ADV. SMT.D.S.THUSHARA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 7074 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 -	TRUE COPY OF THE DOCUMENT NO.6084/1/14 OF MELATTUR SRO DATED 29-11-2014.
EXT.P2 -	TRUE COPY OF THE DOCUMENT NO.5910/1/14 OF MELATTUR SRO DATED 29-11-2014.
EXT.P3 -	TRUE COPY OF THE DOCUMENT NO.5909/1/2014 OF SRO MELATTUR DATED 29-11-2014.
EXT.P4 -	TRUE COPY OF THE JUDGMENT IN WRIT PETITION 2624/2014 DATED 15-10-2014.
EXT.P5 -	TRUE COPY OF THE BASIC TAX RECEIPT DATED 22-11-2014.
EXT.P6 -	TRUE COPY OF THE COMMUNICATION NO.17/2015, DATED 18-02-2015.
EXT.P7 -	TRUE COPY OF THE COMMUNICATION NO.16/2015 DATED 18-02-2015.
EXT.P8 -	TRUE COPY OF THE COMMUNICATION NO.14/2015 DATED 18-02-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

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W.P.(C) No.7074 of 2015 - H

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Dated this the 1st day of July, 2015

<u>J U D G M E N T</u>

The petitioners are aggrieved with the non-receipt of basic tax. The petitioners had purchased 16.25, 4.900 and 46.60 centes of properties comprised in Survey No. 107 of Vengoor Amsom, Keezhattoor Desom in Melattoor Village, from the 3rd respondent by Ext.P1. The petitioners sought for mutation, which was allowed and on approaching the authority for payment of tax, the same was declined on the ground that the earlier judgment to accept the basic tax in respect of the very same land would only enure to the benefit of the vendor, the 3rd respondent and not the petitioners. If there has been a valid transfer, which has been also registered under Transfer of Registry Rules, 1966, then there is no reason why the tax should not be accepted from the purchasers of the property. In such circumstance, the 2nd respondent shall accept the tax from the petitioners herein.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.