IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7384 of 2015 (W)

PETITIONER(S):
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1. **JUMAILA BEEVI, SANU MANZIL, KIZHAKKE KARANAZHIKAM, MADANA NADA, VADAKKEVILA P.O, KOLLAM -691 010.**

2. **PRAVEEN KUMAR C.L, MANAGING DIRECTOR, ANANDESWARA MOTORS PVT. LTD., THATTAMALA, THATTAMALA P.O, KOLLAM -691 020.**

BY ADV. SRI.V.VARGHESE

RESPONDENT(S):
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1. **CORPORATION OF KOLLAM, REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE, KOLLAM P.O, KOLLAM -691 001.**

2. **THE SECRETARY, CORPORATION OF KOLLAM, CORPORATION OFFICE, KOLLAM P.O.,KOLLAM -691 001.**

R1 & R2 BY SRI.M.K.CHANDRA MOHAN DAS,SC,KOLLAM MPT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 7384 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE DEMAND NOTICE NO.F2/R1/5135/12 DATED 19.10.12 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P1(A). COPY OF ENGLISH TRANSLATION OF EXT. P1.

EXHIBIT P2. COPY OF THE RECEIPT NO.24089 DATED 20.10.12 REMITTING THE AMOUNT MENTIONED IN EXT. P1.

EXHIBIT P2(A). COPY OF ENGLISH TRANSLATION OF EXT. P2.

EXHIBIT P3. COPY OF THE RECEIPT NO.E2/5341/2012 DATED 22.10.12 ISSUED BY THE RESPONDENT CORPORATION TO THE IST PETITIONER.

EXHIBIT P3(A). COPY OF ENGLISH TRANSLATION OF EXT. P3.

EXHIBIT P4. COPY OF THE DEMAND NOTICE NO.A.773 DATED 14.3.13 ISSUED TO THE IST PETITIONER.

EXHIBIT P4(A). COPY OF ENGLISH TRANSLATION OF EXT. P4.

EXHIBIT P5. COPY OF THE RECEIPT NO. 41807 DATED 26.3.13 EVIDENCING THE REMITTANCE OF THE AMOUNT MENTIONED IN EXT.P4.

EXHIBIT P5(A). COPY OF ENGLISH TRANSLATION OF EXT. P5.

EXHIBIT P6. COPY OF THE ACKNOWLEDGMENT RECEIPT NO.61705 DATED 19.11.13 EVIDENCING THE FILING OF THE APPEAL.

EXHIBIT P6(A). COPY OF ENGLISH TRANSLATION OF EXT. P6.

EXHIBIT P7. COPY OF THE DEMAND NOTICE NO.127 DATED 17.2.14 ADDRESSED TO THE IST PETITIONER.

EXHIBIT P7(A). COPY OF ENGLISH TRANSLATION OF EXT.P7

EXHIBIT P8. COPY OF THE APPEAL DATED 23.2.14 FILED BY THE PETITIONERS BEFORE THE IST RESPONDENT, WITHOUT ITS ENCLOSURES.

EXHIBIT P8(A). COPY OF ENGLISH TRANSLATION OF EXT. P8.

EXHIBIT P9. COPY OF THE DEMAND NOTICE NO.176 DATED 3.3.14 TO THE IST PETITIONER.

EXHIBIT P9(A). COPY OF ENGLISH TRANSLATION OF EXT. P9.

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EXHIBIT P10. COPY OF THE NOTICE DATED 6.3.14 UNDER SECTION 534(2) OF THE KERALA MUNICIPALITY ACT 1994, ISSUED TO THE 2ND PETITIONER, BY THE CORPORATION.

EXHIBIT P10(A). COPY OF ENGLISH TRANSLATION OF EXT. P10.

EXHIBIT P11. COPY OF THE REPRESENTATION DATED 10.3.14 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P12. COPY OF THE RELEVANT EXTRACT OF THE ACKNOWLEDGMENT RECEIPT NO.15287 DATED 10.3.14.

EXHIBIT P12(A). COPY OF ENGLISH TRANSLATION OF EXT. P12.

EXHIBIT P13. COPY OF THE DEMAND NOTICE NO.A.2364 DATED 19.2.15.

EXHIBIT P13(A). COPY OF ENGLISH TRANSLATION OF EXT. P13.

RESPONDENT(S)' EXHIBITS NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

WP(C) No. 7384 of 2015

Dated this the 9th day of March, 2015

J U D G M E N T

Aggrieved by the demand notice issued by the respondent corporation against the petitioners, they have come up before this Court.

2. The petitioners allege that the property having an extent of 14 ares owned by the 1st petitioner was given on lease to the 2nd petitioner to run an automobile sale service business. For the conduct of the business, the 2nd petitioner put up a temporary shed in the land, which was assessed to property tax by the 2nd respondent. According to the petitioners, the property tax assessed by the 2nd respondent was excessive and exorbitant by all means. The petitioners point out that the said shed was assessed to annual property tax of ₹2,01,665/- as against the annual property tax assessment of ₹92,000/- in respect of another automobile showroom in the vicinity of

the petitioners' building. They allege that the area of that building is roughly the same as that of the petitioners' building; and the construction of the major portion of that building is permanent. They further point out that in the assessment year, 2012-2013, they paid the property tax under protest and filed appeals. However, no order has been passed on the appeals so far.

3. Today, when the matter came up for admission, the learned counsel for the petitioners submitted that the petitioners would be satisfied if a direction is given to the respondent corporation to consider and pass appropriate orders on the appeals filed by the petitioners after affording them an opportunity of being heard.

In the light of the above submission, the writ petition is disposed of directing the respondent corporation to consider and pass appropriate orders on all appeals and representations filed by the petitioners including Exts.P8 and P11 after affording the petitioners an opportunity of being heard. This exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment. To facilitate an early action, it is open to the petitioners to produce a copy of this judgment along with a copy of the writ petition.

Till the aforesaid exercise is completed by the respondent corporation, the existing state of affairs shall be allowed to continue.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-