

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 7660 of 2015 (F)

PETITIONER :

**P.V. GEORGE, AGED 55 YEARS
S/O. OUSEPH VAREED, KEENANCHERRY HOUSE
NADUVATTOM P.O., MALAYATTOOR, PIN-683574.**

**BY ADVS.SRI.M.A.ABDUL HAKHIM
SRI.C.A.ANAS**

RESPONDENTS :

- 1. MALAYATTOOR NEELESWARAM GRAMA PANCHAYAT,
MALAYATTOOR, VIA KALADY, REPRESENTED BY ITS SECRETARY
PIN-683 574.**
- 2. SECRETARY,
MALAYATTOOR NEELESWARAM GRAMA PANCHAYAT
MALAYATTOOR, VIA. KALADY, REPRESENTED BY ITS SECRETARY
PIN-683 574.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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WP(C).No. 7660 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 A PHOTOSTAT COPY OF THE LAND TAX RECEIPT ALONG WITH
ENGLISH TRANSLATION DATED 19/12/1990.**
- EXT.P2 A PHOTOSTAT COPY OF THE MUTATION REGISTER OF THE YEAR 1991
ALONG WITH ENGLISH TRANSLATION DATED 19/12/1990.**
- EXT.P3 A PHOTOSTAT COPY OF THE REPORT OF THE VILLAGE OFFICER,
MALAYATOOR TO THE ADDITIONAL TAHSILDAR, ALUVA ALONG WITH
ENGLISH TRANSLATION DATED 22/9/2014.**
- EXT.P4 A PHOTOSTAT COPY OF THE CERTIFICATE ISSUED BY THE 2ND
RESPONDENT ALONG WITH ENGLISH TRANSLATION DATED 10/11/2009**
- EXT.P5 A PHOTOSTAT COPY OF THE RECIEPT FOR PAYMENT OF PROPERTY
TAX ALONG WITH ENGLISH TRANSLATION DATED NIL.**
- EXT.P6 PHOTOGRAPH OF THE BUILDING OF THE PETITIONER DATED NIL.**
- EXT.P7 PHOTOGRAPH OF THE BUILDING OF THE PETITIONER DATED NIL.**
- EXT.P8 A PHOTOSTAT COPY OF THE APPLICATION FOR PERMIT SUBMITTED
BY THE PETITIONER TO THE 2ND RESPONDENT DATED 6/2/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 7660 of 2015

Dated this the 8th day of June, 2015

J U D G M E N T

The writ petition is filed seeking for a direction to the respondents to consider Ext.P8 application for permit to repair the tiled roof of the petitioner's building.

2. The petitioner alleges that Ext.P8 application submitted by him for permit to repair tiled roof of the building, is not accepted by the 2nd respondent insisting production of latest land tax receipt and possession certificate. According to the petitioner, though he was having 4 cents of land in the original survey, the same was reduced to 617 squire links by mistake in the survey. The said fact is clearly disclosed in Ext.P3 report. The petitioner points out that Exts.P4 and P5 issued by the respondent clearly show that the building has been in existence for the last more than 35 years with valid panchayath numbers under property tax assessment. The

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petitioner further alleges that he is unable to produce recent land tax receipt and possession certificate on account of the pending resurvey disputes. Hence, this writ petition.

3. Though notice has been served on the respondents, they have not chosen to turn up.

4. Heard the learned counsel for the petitioner.

5. Exts.P6 and P7 photographs clearly show the dilapidated condition of the tiled roof of the building. According to the petitioner, the building has been in existence for the last more than 35 years and he wants to repair the tiled roof without changing the structure of the building. It was for this, permission was sought. The petitioner submits that he is not in a position to produce land tax receipt and possession certificate in view of the pendency of resurvey disputes.

6. As the petitioner is not in a position to produce land tax receipt and possession certificate in view of the pendency of resurvey disputes, the insistence of the 2nd

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respondent to produce the latest land tax receipt and possession certificate is quite unwarranted.

Therefore, the writ petition is disposed of directing the 2nd respondent to accept Ext.P8, process the application and pass appropriate orders on the same, without insisting for the production of land tax receipt and possession certificate, in the light of what has been stated above, after affording the petitioner an opportunity of being heard. The entire 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, the petitioner shall be at liberty to produce copies of this writ petition and judgment before the 2nd respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-