

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 8750 of 2015 (P)

PETITIONER(S):

**VENKITESWARAN @ VENKITESH, AGED 54 YEARS,
S/O.LATE KANAKAPPAN ACHARI, THATTAMPARAMBIL HOUSE,
TRIPUNITHURA P.O., NADAMA DESOM, NADAMA VILLAGE,
KANAYANNUR TALUK, ERNAKULAM.**

BY ADV. SRI.VARGHESE C.KURIAKOSE.

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
TRIVANDRUM-695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION,
KAKKANADU, ERNAKULAM - 682 030.**
- 3. THE REVENUE DIVISIONAL OFFICER,
O/O. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI - 682 001.**
- 4. THE TAHSILDAR,
KANAYANNUR TALUK, TALUK OFFICE,
ERNAKULAM - 682 011.**
- 5. THE VILLAGE OFFICER, NADAMA VILLAGE,
OLD BUS STAND, TRIPUNITHURA - 682 301.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE PHOTOCOPY OF THE SALE DEED NO. 3317/1999 OF SRO, TRIPUNITHURA.
- EXT.P2: TRUE PHOTOCOPY OF THE RECEIPT DATED 15/06/2009.
- EXT.P3: TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE DATED 15/06/2009.
- EXT.P4: TRUE PHOTOCOPY OF THE LOCATION PLAN.
- EXT.P5: TRUE PHOTOCOPY OF THE REPRESENTATION DATED 27/02/2015 BEFORE THE 2ND RESPONDENT.
- EXT.P6: TRUE PHOTOCOPY OF THE REPRESENTATION DATED 27/02/2015 BEFORE THE 3RD RESPONDENT.
- EXT.P7: TRUE PHOTOCOPY OF THE REPRESENTATION DATED 27/02/2015 BEFORE THE 4TH RESPONDENT.
- EXT.P8: TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 2ND RESPONDENT.
- EXT.P9: TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 3RD RESPONDENT.
- EXT.P10: TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 4TH RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.8750 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"(i) Issue writ, order or direction in the nature of mandamus or other appropriate writ directing the 5th respondent to accept basic tax in respect of the property covered by Ext.P1 sale deed, the registered holder of which is the petitioner as was done earlier as seen from Ext.P2 within a time frame to be stipulated by this Honourable Court in the interest of justice;

(ii) Issue writ, order or direction in the nature of mandamus or other appropriate writ directing the respondents No.2, 3 and 4 or the concerned among them to take up Exts.P5, P6 and P7 or the relevant representation out of the same, hear the petitioner and pass orders disposing of the same resolving the issue as to the acceptance of the basic tax in relation to the property covered by Ext.P1 sale deed the registered holder of which is the petitioner;

(iii) Allow the petitioner to recover the full costs incurred for the institution and conduct of this writ petition (Civil) from the respondent No.5."

2. The grievance of the petitioner appears to be that the tax payable in respect of the property concerned in his own possession and enjoyed by the petitioner, as comprised in Survey No.1131/1 and 5 of Nadama Village, covered by Ext.P1 sale deed, is refused to be accepted by the respondents/revenue authorities. It is stated that the petitioner has approached the concerned respondents by filing different representations which have been served to them as borne by Exts.P8 to P10. The delay in considering the same made the petitioner to approach this Court by way of this writ petition.

3. Heard the learned Senior Government Pleader as well.

4. Considering the limited extent of reliefs sought for, there will be a direction to the 2nd respondent to consider Ext.P5 and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

The writ petition stands disposed of accordingly.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-