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. 8784 of 2015 (W)

PETITIONER:

K. SATHYAVAN, S/O.KUNJUKUNJU,
UZHATHIL VEEDU, VALLICODE KARA,
VALLICODE VILLAGE, PATHANAMTHITTA-689 648.

BY ADVS.SRI.P.VIJAYAKUMAR
SRI.C.R.REGHUNATHAN
SRI.M.V.ASHIM
SRI.R.BALAKRISHNAN
SRI.B.HARRYLAL
SRI.SUVIN.R.MENON

RESPONDENTS:
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1. DISTRICT COLLECTOR,
   COLLECTORATE, PATHANAMTHITTA, PIN-689 645.

2. ADDITIONAL TAHSILDAR,
   KONNI TALUK, KONNI POST, PATHANAMTHITTA DISTRICT,
   PIN-689 691.

3. VILLAGE OFFICER,
   VALLICODE VILLAGE, PATHANAMTHITTA-689 648.

4. DISTRICT SUPERINTENDENT OF SURVEY,
   COLLECTORATE, PATHANAMTHITTA-689 645.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

sts

WP(C).No. 8784 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	**TRUE COPY OF THE PATTA 4/1991/VCDE DATED 30/10/1991 ISSUED FROM OFFICE OF THE SPECIAL TAHSILDAR(LA), KUMBAZHA,PATHANAMTHITTA.**
EXT.P2	**TRUE COPY OF THE LETTER DATED 15/5/1991 ISSUED FROM THE VALLICODE PANCHAYATH OFFICE,TO THE LAND ASSIGNMENT OFFICE**
EXT.P3	**TRUE COPY OF TAX RECEIPT DATED 23/3/1993**
EXT.P4	**TRUE COPY OF ORDER DATED 16/8/1993 PASSED BY THE SPECIAL TAHSILDAR (LA)**
EXT.P5	**TRUE COPY OF THE REPRESENTATION DATED 17/11/2011 SUBMITTED BY THE CHIEF MINISTER'S JANA SAMPARKA PARIPADI**
EXT.P6	**TRUE COPY OF REPORT DATED 24/1/2012 BY THE TALUK SURVEYOR TO THE ADDITIONAL TAHSILDAR**
EXT.P7	**TRUE COPY OF APPLICATION DATED 29/12/2012 SUBMITTED TO TLSA**
EXT.P8	**TRUE COPY OF LETTER DATED 6/3/2013 FROM $TH RESPONDENT TO TLSA**
EXT.P9	**TRUE COPY OF NOTICE DATED 9/6/2014 FROM TLSA TO 2ND RESPONDENT**
EXT.P10	**TRUE COPY OF REPORT OF DATED 28/6/2014 SUBMITTED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS: **NIL**
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/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 8784 of 2015 (W)

Dated this the 1st day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner is not permitted to pay tax with respect to the land, which has been assigned to him by Ext.P1.

2. After the assignment in 1991, as is evidenced from Ext.P1, there was a dispute with respect to the assignment raised by the petitioner's sister, which was also resolved as per Ext.P4, in 1993. However, even according to the admission of the petitioner, no tax was paid from 1994 onwards. The petitioner is said to have been running from pillar to post to get the tax paid.

3. The Government Pleader, on instructions, submits that there was a re-survey conducted and the property for which now tax is sought to be paid, is shown as 'river puramboke'.

4. In such circumstance, the petitioner would have to approach the authorities under the Kerala Survey and Boundaries Act, 1961 to rectify the mistake caused in re-survey, if any. At this point of time, there can be no order to permit the petitioner to pay tax, especially since on the petitioner's own admission the petitioner has not been paying tax from the year 1994 onwards.

The writ petition is disposed of, leaving open the remedies.

Sd/-
K.VINOD CHANDRAN,
JUDGE

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