

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 9524 of 2015 (M)

PETITIONER(S):

- 1. CHITHRA AGED 38 YEARS
D/O. MEENA JACOB, RESIDING AT SANTHI NILAYAM
PANNIYA EAST, POOPARA P.O., IDUKKI
REPRESENTED BY HER POWER OF ATTORNEY HOLDER KOSHY CHANDY
AGED 74 YEARS, S/O. TITI KOSHY, RESIDING AT SANTHI NILAYAM
PANNIYA EAST, POOPARA P.O., IDUKKI.**
- 2. RACHEL GEORGE, AGED 68 YEARS
W/O. KOSHY CHANDI, RESIDING AT SANTHI NILAYAM
PANNIYA EAST, POOPARA P.O., IDUKKI.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY SECRETARY, REVENUE (P) DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001**
- 2. THE DISTRICT COLLECTOR,
IDUKKI, CIVIL STATION, PAINAVU P.O.
IDUKKI, STATE HIGHWAY 43, KERALA - 685 603.**
- 3. THE TAHSILDAR
UDUMBANCHOLA TALUK, IDUKKI - 685 603.**
- 4. THE SPECIAL TAHSILDAR (LA)
OFFICE OF THE SPECIAL TAHSILDAR, RAJAKUMARI
IDUKKI - 685 619.**
- 5. THE VILLAGE OFFICER,
CHINNAKANAL VILLAGE, IDUKKI -685 618.**

BY SMT.SUSHEELA.R.BHAT, SPL.GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1:TRUE PHOTOCOPY OF THE PATTA NO. LA 15/2000/C DATED 31.07.2000.

EXHIBIT-P2-A COPY OF THE GIFT NO.2798/2000 DATED 28/08/2000 OF SRO
RAJAKUMARI

EXHIBIT-P3-COPY OF THE TAX RECEIPT NO. 3678727 DATED 07/02/2007 ISSUED
FROM CHINNACANAL VILLAGE

EXHIBIT-P4-A TRUE COPY OF THE PHOTOCOPY OF THE PATTA NO. L.A 16/2000/C
DATED 31/07/2000 ISSUED TO THE 2ND RESPONDENT.

EXHIBIT-P5-A TRUE PHOTOCOPY OF THE COPY OF LAND TAX RECEIPT NO. 3678726
DATED 07/02/2007 ISSUED FROM CHINNACANAL VILLAGE TO THE 2ND PETITIONER

EXHIBIT-P6-A TRUE PHOTOCOPY OF THE KERALA LAND ASSIGNMENT
(REGULARISATION OF OCCUPATIONS OF FOREST LANDS PRIOR TO 01.01.1977)
(AMENDMENTS) SPECIAL RULES, 2010.

EXHIBIT-P7-COPY OF THE JUDGMENT DATED 17/07/2014 IN W.P (C) 14000/2014

EXHIBIT-P8- COPY OF THE JUDGMENT DATED 18/11/2013 IN W.P(C) 21203/2013.

EXHIBIT-P9-TRUE COPY OF THE JUDGMENT DATED 20/01/2014 IN W.P(C) 33418/2014.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 9524 of 2015

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

"(i) Issue a writ in the nature of mandamus commanding the respondents to accept land tax pertaining to Ext. P1 and P4 properties, in accordance with Kerala Land Tax Act, within a time frame to be stipulated by this Honourable Court; and

(ii) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the respondent to reissue/return the originals of Exhibit P1 and P4 pattas to the respective petitioners, in accordance with law, within a time frame to be stipulated by this Honourable Court.

(iii) Issue such other writ, order or direction as this Honourable Court deems just and proper in the circumstances of the case.

2. The grievance of the petitioners is with regard to non-accepting of land tax from them in respect of the property concerned, referring to pending enquiry under the relevant provisions of the Kerala Land Assignment (Regularisation of Occupations prior to

01.01.1977) Special Rules, 1993. The learned counsel for the petitioner submits that in an exactly similar matter, this Court directed the concerned respondent to accept land tax from the petitioners therein, as discernible from Exts. P7 to P9 verdicts.

3. Heard the learned Government Pleader as well.

4. In the said circumstances, the 5th respondent is directed to accept land tax in respect of the properties covered by Exts. P1 and P4 as and when the same is tendered. It is made clear that this will no bar the way of the respondents in proceeding with further steps under under Kerala Land Assignment (Regularisation of Occupations prior to 01.01.1977) Special Rules, 1993.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the fifth respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd