

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 10823 of 2015 (C)

PETITIONER(S):

1. ARAYIKANDIYIL PRABHAKARAN,
AGED 52 YEARS,
S/O CHATHU, ARAYIKANDIYIL HOUSE, P.O. VILLAKKOTTUR,
VIA. THAVAKUNNU, KANNUR-670 693.
2. ANDHERI ACHUTHAN V.,
AGED 52 YEARS, S/O KUNHIKUTTY, ANDHERI, P.O.,
CHEKKIAD, VIA. PARAKADAVU, VADAKARA.
3. ANANTHAN THAYYULLATHIL,
S/O ONAKKAN, ANTHIRANALI PARAMBU, P.O.,
CHEKKIAD, (VIA) PARAKADAVU, VADAKARA TALUK-673 509.
4. ANIL KUMAR,
AGED 33 YEARS, S/O ANANTHAN, ANTHIRANALI PARAMBU,
P.O. CHEKKIAD, (VIA) PARAKADAVU, VADAKARA TALUK-673 509.

BY ADVS.SRI.R.PARTHASARATHY
SMT.SEEMA.

RESPONDENT(S):

1. THE TAHSILDAR,
VADAKARA, KOZHIKODE DISTRICT-673 101.
2. THE VILLAGE OFFICER,
CHEKKIAD VILLAGE, VADAKARA-673 509.
3. THE TALUK LAND BOARD,
VADAKARA REPRESENTED BY ITS CHAIRMAN,
KOZHIKODE CIVIL STATIPON, KOZHIKODE-673 020.
4. THE STATE LAND BOARD,
REPRESENTED BY ITS SECRETARY,
THIRUYVANANTHAPURAM-695 001.
5. STATE OF KERALA,
REPRESENTED BY SECRETARY, REVENUE DEPARTMENT
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SMT. C.K.SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE ORDER PASSED BY THE TALUK LAND BOARD,
VADAKARA DATED 30.3.2010 IN TLB (B) 1/2009.

EXHIBIT P2: TRUE COPY OF THE ORDER PASSED BY TEH TALUK LAND BOARD
ON 24.10.2013 IN TLB (B) 1/2009.

EXHIBIT P3: TRUE COPY OF THE REPLY GIVEN BY THE THASILDAR,
VADAKARA TO THE 2ND PETITIONER DATED 16.10.2014.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 17.11.2014.

EXHIBIT P5: TRUE COPY OF THE RECEIPT ISSUED BY THE VILLAGE
OFFICER, CHAKKIAD FOR PAYMENT OF LAND TAX TO
MADACHILIL SATHYAN DATED 27.6.2014 FOR LAND INCLUDED
IN SURVEY NO.114.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. Vinod Chandran, J

W.P.(C).No.10823 of 2015-C

Dated this the 28th day of May, 2015

JUDGMENT

The petitioners' properties were included in a land ceiling proceeding. The petitioners submit that they all have approached the Land Board under Section 85(8) of the Kerala Land Reforms Act, 1963 and the claims were sustained. Exhibit P2 is the order. The petitioners submit that the Village Officer is refusing to accept the land tax from the petitioners citing the reason that the properties are included in ceiling proceedings.

2. The pendency of a ceiling proceeding, if at all any, is not a ground to refuse acceptance of basic tax in respect of a property. If the petitioners are in possession of the properties, necessarily basic tax shall be accepted. The petitioners also submit that proceedings under Section 85(8) of the Act has become final with Exhibit P2. Considering the facts and circumstances of the case, there shall be a direction to the revenue officials to accept the basic tax from the petitioners.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]