

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 10967 of 2015 (U)

PETITIONER(S):

1. ROHITH C., B1-403,
MAGILAM APARTMENTS, NO.7,
NATESA SALI, KAVITHA PANNAL,
ZAMIN PALLAVARAM, CHENNAI-600117.
2. LEELA, W/O.RAMAN KUTTY NAIR,
MULLAPULLI HOUSE, AISHWARY VENGASSERY P.O.,
OTTAPPALAM TALUK.
3. JANAKI DEVI, ALIAS AMMINIKUTTY,
THAMARASSERY HOUSE, K.P.VALLAM ROAD,
KADAVANTHARA, KOCHI-682020.

**BY ADVS.SRI.M.P.SREEKRISHNAN
SMT.M.H.BINDU**

RESPONDENT(S):

1. THE SECRETARY,
AMBALAPARA GRAMA PANCHAYATH,
OTTAPPALAM TALUK - 679101.
2. TAHSILDAR, OTTAPPALAM,
AMBALAPARA GRAMA PANCHAYATH,
OTTAPPALAM TALUK - 679101.
3. VILLAGE OFFICER,
AMBALAPARA GRAMA PANCHAYATH,
OTTAPPALAM TALUK-679101.
4. TALUK SURVEYOR, OTTAPPALAM - 679101.

R2 TO R4 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1: A TRUE COPY OF THE APPLICATION DATED 4.10.2014 FILED BY THE 1ST PETITIONER IN FORM 10.
- EXHIBIT-P2: REQUEST BY THE 1ST PETITIONER TO TAHSILDAR FOR ACCEPTING BASIC TAX.
- EXHIBIT-P3: A TRUE COPY OF THE APPLICATION DATED 26.7.2014 FILED BY THE 2ND PETITIONER.
- EXHIBIT-P4: NOTICE DATED 18.3.2014 RECEIVED FROM TALUK SURVEYOR.
- EXHIBIT-P5: A NOTIFICATION PUBLISHED IN MANORAMA DAILY DATED 7.11.2014 PROPOSING TO ACQUIRE LAND FOR "SCIENCE CITY".

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.10967 of 2015 - U

=====

Dated this the 22nd day of June, 2015

J U D G M E N T

The petitioners are aggrieved with the non-consideration of Exts.P1, P3 and P4. Since the applications were filed in the year 2014, this Court directed the learned Government Pleader to file an affidavit as to the steps taken. The affidavit has been placed on record. Exts.P1 and P3 are applications filed under Section 9 of the Kerala Survey and Boundaries Act, 1961 read with Rule 43 of the Rules framed thereunder. Ext.P4 also is a similar petition. Ext.P2 is an application for accepting basic tax.

2. With respect to Ext.P4, it is submitted in the affidavit that though the respondents had visited the property, the petitioners were not present and hence survey could not be carried on. In such circumstance, the petitioners would have

reserved their remedies to file a fresh application. As per Exts.P1 and P3, the contention of the State is that there are more than 10,000 applications pending and the officers are taking steps to dispose of them, taking up the matters filed earlier for disposal first. This Court cannot find any infirmity in the same. However the fact remains that Exts.P1 and P3 applications were pending for long, in such circumstance, the respondent shall take up the matter expeditiously looking definitely at the pendency of the applications before it and dispose of the same as expeditiously as possible. The tax in any event shall be accepted, but subject to the proceeding under the Act of 1961.

The writ petition is disposed of with the above observations.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.