

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 11900 of 2015 (J)

PETITIONER:

**BINOD E.MOHANAN,
S/O.MOHANAN, AGED 36 YEARS,
ELLIKKATTU HOUSE, EDAPPALLY,
COCHIN-24.**

BY ADV. SRI.ANIMON A. JOHN

RESPONDENT(S):

- 1. CHOORNIKKARA GRAMA PANCHAYATH,
THAIKKATTUKARA.P.O, ALUVA-683 106,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
CHOORNIKKARA GRAMA PANCHAYATH,
THAIKKATTUKARA.P.O, ALUVA-683 106.**

BY ADV. SRI.ANIL K.MOHAMMED

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- A TRUE COPY OF REQUEST DATED 1-4-2013 BEFORE THE 2ND RESPONDENT BY THE PETITIONER.
- P2- TRUE COPY OF JUDGMENT IN WPC NO.10825/2014 DATED 11-04-2014 OF THIS HON'BLE COURT.
- P3- THE TRUE COPY OF THE LETTER DATED 27-09-2014 AND PROCEEDING DATED 06-08-2014 WITH ENGLISH TRANSLATION.
- P3-A- THE TRUE COPY OF THE PROCEEDINGS DATED 06-08-2014 OF THE 2ND RESPONDENT WITH ENGLISH TRANSLATION.
- P4- TRUE COPY OF THE APPLICATION DATED 01-01-2015 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J

WPC No.11900 of 2015

Dated this the 14th day of July, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to re-assess the property tax after hearing the petitioner and considering the petitioner's application.

2. According to the petitioner, he purchased the ground and first floor of a 12 storeyed building within the jurisdictional limits of the respondent Panchayat. The subject premises is lying vacant as it is neither occupied nor rented out to anybody. The petitioner alleges that the second respondent assessed property tax in an arbitrary manner for the period 2011-2012 to 2014-2015. The petitioner remitted the tax demanded under protest and submitted objections.

3. Since no action has been taken by the respondent Panchayat on the applications filed by the petitioner, he approached this Court by filing WPC

No.10825/2014 and this Court directed the respondent Panchayat to consider the applications filed by the petitioner. As the respondent Panchayat did not comply with the direction of this Court in true spirit, the petitioner filed Ext.P4 application to reassess the property tax after affording the petitioner an opportunity of being heard. However, the second respondent has not taken any decision on the same. It is with this background, the petitioner has come up before this Court.

4. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent Panchayat.

As the limited prayer in this writ petition is only for a direction to consider Ext.P4 application, this writ petition is disposed of directing the second respondent to consider Ext.P4 application for reassessment of property tax within a period of one month from the date of receipt of a copy of the judgment, after affording the petitioner an

opportunity of being heard.

Till that exercise is completed, no coercive action shall be taken against the petitioner.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE