

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 15058 of 2015 (F)

PETITIONER :

**SHRI.C.J.VARGHESE, S/O.C.V.JACOB,AGED 66 YEARS,
DOOR NO.282, CHERUPALLIKKATTU,
CHERTHALA VILLAGE (NORTH), CHERTHALA.**

**BY ADVS.SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY**

RESPONDENT(S):

- 1. THE TAHSILDAR,
CHERTHALA TALUK,
ALLEPPEY DISTRICT, CHERTHALA P.O.- 688 007**
- 2. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
MINISTRY OF REVENUE, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM. PIN-695 001**

BY GOVERNMENT PLEADER SMT. LILLY.K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 15058 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE BUILDING TAX ASSESSMENT ORDER BEARING
NO. BT 253/90 DATED 14.3.1991**
- P2- TRUE COPY OF THE RECEIPT BEARING NO.24 DATED 8.7.1991 ISSUED BY
THE CHERTHALA VILLAGE OFFICER**
- P3- TRUE COPY OF THE RECEIPT BEARING NO.64 DATED 30.10.1991 ISSUED BY
THE CHERTHALA VILLAGE OFFICE**
- P4- COPY OF THE PERMIT ISSUED BY THE CHERTHALA MUNICIPALITY.**
- P5- TRUE COPY OF THE ORDER OF ASSESSMENT DATED 11.10.2012 BEARING
NO. BT 23523/12/G2 ISSUED BY THE 1ST RESPONDENT**
- P6- TRUE COPY OF THE REPRESENTATION DATED 22.12.2012 SUBMITTED
BEFORE THE 1ST RESPONDENT**
- P7- TRUE COPY OF THE REPRESENTATION DATED 18.2.2015**
- P8- TRUE COPY OF HTE COMMUNICATION DATED 28.2.2015 ISSUED BY THE 1ST
RESPONDENT**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 15058 of 2015

Dated this the 7th day of December, 2015

JUDGMENT

Aggrieved by Ext.P5 assessment order under the Kerala Building Tax Act, the petitioner has approached the 1st respondent through Ext.P7 rectification application under Section 15 of the Kerala Building Tax Act. The limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass orders on Ext.P7 rectification application, expeditiously, after hearing the petitioner and to keep in abeyance the recovery proceedings for recovery of the amounts confirmed against the petitioner by Ext.P5 assessment order.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P7 rectification application preferred by the petitioner before him, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner.

Recovery steps for recovery of amounts confirmed against the petitioner by Ext.P5 order, shall be kept in abeyance till such time as orders are passed by the 1st respondent as directed and communicated to the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE