

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 16265 of 2015 (G)

PETITIONER :

SHEENA SALIM
W/O.SALIM, AGED 59,
MULLAMANGALATH HOUSE,
KUREEKKAD P.O.,
ERNAKULAM DISTRICT,
PIN-682 305.

BY ADVS.SRI.T.B.THANKAPPAN
SRI.T.T.HARIKUMAR
SRI.ASHISH VIDYADHARAN

RESPONDENT(S) :

1. THE VILLAGE OFFICER,
KANAYANNOOR GROUP, KUREEKKAD,
KOCHI-682 305.
2. THE TAHASILDAR,
KANAYANNOOR TALUK, ERNAKULAM-682 011.
3. ADDITIONAL TAHASILDAR,
KANAYANNOOR TALUK, ERNAKULAM-682 011.
4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695 001.

*ADDL. R5 IMPEADED

*ADDL.R5. DIVAKARAN
S/O.KUTTAPPAN,
MULLAMANGALATH HOUSE,
KUREEKKAD, ERNAKULAM DISTRICT,
PIN - 682 305.

*ADDL.R5 IS IMPEADED AS PER ORDER DATED 22.06.2015 IN IA 7603/15.

R1 TO R4 BY GOVT. PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 16265 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P-1: TRUE COPY OF THE SETTLEMENT DEED NO.791/2008 DATED 28.2.2008
EXECUTED BY THE PETITIONER'S HUSBAND IN FAVOUR OF THE
PETITIONER.**
- EXT.P-2: TRUE COPY OF DOCUMENT NO.1642 OF 2003 BY WHICH THE
PETITIONERS HUSBAND PURCHASED THE PROPERTY.**
- EXT.P-3: TRUE COPY OF THE BASIC TAX RECEIPT NO.3570157 DATED 6.8.2007
ISSUED BY THE VILLAGE OFFICE, KUREEKKAD FOR THE PERIODS
2007-08.**
- EXT.P-4: TRUE COPY OF THE BASIC TAX RECEIPT NO.4298292 DATED 12.1.2011
ISSUED BY THE VILLAGE OFFICE, KUREEKKAD FOR THE PERIODS
2010-11.**
- EXT.P-5: TRUE COPY OF THE LETTER NO.156/14 DATED 12.8.2014 ISSUED BY
THE 1ST RESPONDENT TO THE PETITIONER.**
- EXT.P-6: TRUE COPY OF THE LETTER NO.52-7486/2015 DATED 13.5.2015 ISSUED
BY 3RD RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.Muhamed Mustaque, J.

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W.P.(C)No.16265 of 2015

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Dated this the 3rd day of December, 2015.

JUDGMENT

1. Petitioner approaches this court on account of non-acceptance of basic tax in respect of the property comprised in Sy.No.385/2 (Re-Sy.No.61/5 in Block No.11) of Kureekkad village.
2. Petitioner claims title by Ext.P1 order.
3. As seen from the Village Officer's report produced as Ext.P5, one Divakaran claims title and possession based on a civil court decree. The said person was impleaded pursuant to a direction of this court. Now the petitioner has filed a petition to delete the said person from the party array stating that he is no more.
4. Petitioner further submitted that he was not a party to the proceedings and therefore any decree obtained by Divakaran is not binding on him. In the said circumstances, the second respondent

shall take a decision in the matter, after hearing the petitioner and the legal representatives of Divakaran, within a period of two months as to whether the tax has to be accepted or not.

The writ petition is disposed of as above.

Muhamed Mustaque, Judge.

sl.