

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937**

**WP(C).No. 17197 of 2015 (Y)**  
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**PETITIONER:**  
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**SHINE A.M., AGED 41 YEARS,  
S/O.MATHEW, ARANGASSERY HOUSE,  
MUNDOOR, THRISSUR.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL  
SMT.R.RAJITHA  
SMT.VINAYA V.NAIR**

**RESPONDENT(S):**  
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- 1. CHOONDAL GRAMA PANCHAYAT,  
REPRESENTED BY ITS SECRETARY,  
CHOONDAL, THRISSUR-680 502.**
- 2. STANDING COMMITTEE FOR FINANCE,  
CHOONDAL GRAMA PANCHAYAT,  
REPRESENTED BY ITS CHAIRMAN,  
CHOONDAL, THRISSUR-680 502.**

**BY ADV. SRI.T.M.CHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**mbr/**

WP(C).No. 17197 of 2015 (Y)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**

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**P1 : TRUE COPY OF REPRESENTATION AND RECEIPT DATED 14-8-2013 BEFORE THE RESPONDENT.**

**P2 : TRUE COPY OF REPRESENTATION AND RECEIPT DATED 13-3-2014 BEFORE THE RESPONDENT PANCHAYAT.**

**P3 : TRUE COPY OF REPRESENTATION AND RECEIPT DATED 27-2-2015 BEFORE THE PANCHAYAT.**

**RESPONDENTS' EXHIBITS: NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

**A.V.RAMAKRISHNA PILLAI, J.**

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**W.P.(C)No.17197 of 2015**  
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**Dated this the 13<sup>th</sup> day of August, 2015.**

**J U D G M E N T**

The petitioner is seeking a direction to the 2<sup>nd</sup> respondent to consider and dispose of the representation submitted by the petitioner for rectifying the error in the assessment book concerning the rooms numbered as 9/2A and 9/2B of Choondal panchayat.

2. The petitioner is the owner of two rooms numbered as 9/2A and 9/2B of Choondal grama panchayat situated by the side of Eranelloor-Perumannu panchayat road having an area of 20 sq.mtr. and 26 sq.mtr. respectively. While the respondent panchayat assessed the property tax on the building, a mistake has occurred in noting the area of the rooms, by which the total extent of the rooms is shown as 111.7 metre square and accordingly an amount of Rs.3,385/- and Rs.2,798/- has been assessed as tax for the two rooms

respectively.

3. The petitioner thereafter submitted a representation before the respondent panchayat and the rooms were measured. It was found that the area noted is in excess of the actual area and that it is only a mistake which has crept in at the time of assessment. But the respondent panchayat did not take any action to correct the mistake. Even though the petitioner had remitted tax on 22.2.2012 for the first time as per assessment, he has been agitating the issue before the panchayat for the last three years by filing several representations. The petitioner had also submitted a representation before the standing committee for finance which is empowered as per Rule 7 of Kerala Panchayat Raj (Taxation Levy and Appeal) Rules 1996 to issue direction to the Secretary to amend the assessment tax rectifying any clerical error, but the petitioner is not having a copy of the representation submitted before the standing committee. The petitioner has been informed upon an application filed

under Right to Information Act that the petition could not be processed since he has not filed an appeal as provided under the Rules and that the area found upon measurement by the authorised officers of the panchayat is 20 sq. metre and 26 sq. metre respectively. Even though it is evident that it is a clerical error, the respondent panchayat is not taking steps to rectify the mistake ; it is alleged.

4. I have heard the learned counsel for the petitioner as well as the respondents.

5. Though it was submitted by the learned counsel for the petitioner that the petitioner has submitted a representation before the respondent panchayat for rectifying the error, the learned counsel for the respondent panchayat submitted that they have not received such a representation.

Therefore, this writ petition is disposed of permitting the petitioner to file a fresh application for rectifying the error in the assessment book concerning the above referred

rooms within 2 weeks of receipt of copy of this judgment. In the event of submitting the same, the 2<sup>nd</sup> respondent shall consider the same and pass appropriate orders, after affording an opportunity to the petitioner and the affected parties, if any, of being heard.

Sd/-  
**A.V.RAMAKRISHNA PILLAI,**  
**Judge.**

ami/

//True copy//

P.A. to Judge