

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 17861 of 2015 (G)

PETITIONER(S):

**M.ABDUL KALAM,
THAHA MANZIL, NEAR SBT, PALLICHAL ROAD,
VIZHINJAM, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENT(S):

- 1. CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE,
THIRUVANANTHAPURAM.**
- 2. SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM, CORPORATION OFFICE,
THIRUVANANTHAPURAM.**

BY SRI.P.K.MANOJKUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 17861 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE JUDGMENT OF THE MUNSIFF'S COURT,
THIRUVANANTHAPURAM IN OS NO.1029/1983.
- P2: TRUE COPY OF THE LETTER NO.TP 3084/86 DATED 6/1/86 OF THE
COMMISSIONER, CORPORATION OF THIRUVANANTHAPURAM.
- P3: TRUE COPY OF THE RECEIPT ISSUED BY THE CORPORATION, EVIDENCING
PAYMENT OF RS.16,997/- TOWARDS PROPERTY TAX DTD.20.5.2003.
- P4: TRUE COPY OF THE RECEIPT DATED 18/2/2008, EVIDENCING PAYMENT OF
PROPERTY TAX FOR BUILDING BEARING T.C.39/2192(2).
- P5: TRUE COPY OF THE RECEIPT DATED 18/2/2008, EVIDENCING PAYMENT OF
PROPERTY TAX FOR BUILDING BEARING T.C.39/2192(4).
- P6: TRUE COPY OF THE REPRESENTATION DATED 23/5/2014 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.
- P7: TRUE COPY OF THE NOTICE NO.NOTICE NO.FE/6690/14 DATED 30/6/2014 ISSUED
BY THE TOWN PLANNING OFFICER ATTACHED TO THE OFFICE OF THE
1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17861 of 2015

Dated this the 15th day of June, 2015

J U D G M E N T

Alleging that the respondent corporation has not considered and passed appropriate orders on Ext.P6 representation, the petitioner has come up before this Court.

2. The petitioner was in possession of building bearing Old T.C.No.39/2028 in Chala Division, viz., in Sy.No.9/102 of Manacaud Village. As the aforesaid building was destroyed in fire, the petitioner reconstructed as well as repaired some portions of the old building. Thereafter, he obtained title to the property and building reconstructed by him by virtue of sale deed No.114/98 dated 12.01.1998. The petitioner alleges that the respondent had imposed property tax on the building for the period from 1997-98 to 2003-04 amounting to ₹16,997/- on the ground of unauthorized construction.

..2..

The petitioner points out that the respondents had received property tax for the period up to 2007-08. Though the petitioner had been consistently requesting for numbering the building as well as to transfer the ownership of the building in his name, there was no response; it is alleged. His grievance is that Ext.P6 representation submitted by him was also rejected stating that it is belated, misconstruing the same as one submitted for regularization of unauthorized construction in terms of a Government Order. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent corporation.

4. When the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent corporation for a reconsideration of Ext.P6 within a time frame.

..3..

Considering the nature of the submission and nature of relief sought for, this writ petition is disposed of directing the respondent corporation to reconsider and pass appropriate orders on Ext.P6 after affording the petitioner an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent corporation at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-