

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 19635 of 2015 (D)

PETITIONER:

**AJEESH.P.M., SON OF MANOHARAN,
KOCHI CORPORATION HOUSE NO.1640 B,
CHERALAI HOUSE, VISHAGHAM,
MATTANCHERY P.O, PIN-682 002.**

**BY ADVS.SRI.M.MOHAMED NAVAZ
SRI.T.PSAJAN
SRI.P.SANTHOSH KUMAR (TR)**

RESPONDENT(S):

- 1. THE CORPORATION OF KOCHI,
REP.BY ITS SECRETARY, HEAD OFFICE,
PARK AVENUE ROAD, ERNAKULAM, PIN - 682 035.**
- 2. THE SECRETARY, CORPORATION OF KOCHI,
HEAD OFFICE, PARK AVENUE ROAD,
ERNAKULAM, PIN - 682 035.**
- 3. THE ASSISTANT EXECUTIVE ENGINEER,
CORPORATION OF KOCHI,
MATTANCHERY ZONAL OFFICE, KOCHI,
MATTANCHERY P.O., PIN - 682 002.**

**BY ADV. SRI.RAAJESH S.SUBRAHMANIAN,SC
BY SRI.P.K.SOYUZ, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 19635 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE SALE DEED NO.2259/2013 OF KOCHI SRO
DATED 30.5.2013.
- P2 - TRUE COPY OF THE TAX RECEIPT DATED 8.1.2014 ISSUED BY THE VILLAGE
OFFICE THOPPUMPADY.
- P3 - TRUE COPY OF THE BUILDING TAX RECEIPT IN RESPECT OF BUILDING
BEARING NO.24/1248-(1) DATED 10.7.2012.
- P4 - TRUE COPY OF THE APPLICATION NIL BEFORE THE 2ND RESPONDENT
REQUESTING THE 2ND RESPONDENT TO TRANSFER THE ASSESSMENT OF
THE SAID BUILDING INTO THE NAME OF THE PETITIONER.
- P4(A) - TRUE COPY OF THE NO OBJECTION CERTIFICATE FROM THE UCO BANK
DATED 12.12.2013.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19635 of 2015

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Dated this the 30th day of June, 2015

JUDGMENT

Aggrieved by the refusal to transfer ownership of the building and accepting building tax, and the failure to consider Ext.P4 application, the petitioner has come up before this Court.

2. The petitioner is aggrieved by the delay on the part of the respondents to transfer the assessment of the residential building purchased by the petitioner in his name. The petitioner purchased an extent of 0.708 ares of property along with the old dilapidated residential building bearing no.24/1248(1) with its electric and water connection from one N. Anitha as per Ext.P1. The petitioner has effected mutation of the said property into his name and is paying basic tax as per Ext.P2.

3. The petitioner alleges that the property tax in respect of the building bearing No.24/1248-(1) was assessed in the name of Smt. N. Anitha and building tax upto 2012-13 was paid by her vide Ext.P3. The petitioner further alleges that at the time of purchase, the building was in old and dilapidated condition. Therefore, he

submitted Ext.P3 application before the second respondent requesting to transfer the assessment of the said building into his name. Along with Ext.P3, the petitioner submitted copy of Ext.P1 sale deed and Ext.P4 objection certificate from the UCO Bank, Fort Kochi branch intimating the Deputy Secretary, Corporation of Kochi that the bank has no objection in transferring the ownership of the building in favour of the petitioner.

4. The petitioner further alleges that Ext.P4 was submitted as early as in April, 2014. He approached the respondents on several occasions requesting to effect the assessment of the said residential building in his name so as to remit the building tax. The petitioner further alleges that on all those occasions, the petitioner was assured that the assessment of the building would be changed into his name without any further delay.

5. The petitioner further alleges that, in spite of repeated request the petitioner has not done anything to transfer the assessment of the building to his name and, therefore, he is unable to pay the building tax in respect of the said building. The petitioner points out that respondents 2 and 3 is duty bound to effect transfer of assessment of the building into the name of the petitioner. The

petitioner further alleges that the application filed by the petitioner as per Ext.P3 is still pending and no orders have been passed on the same by the respondents.

6. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent corporation.

7. When the matter came up for hearing, the learned counsel for the petitioner has confined his argument to the limited prayer for a direction to the respondents to consider Ext.P4 application within a time limit.

Considering the nature of the submission, this writ petition is disposed of directing the respondent corporation to consider and pass appropriate orders on Ext.P4 application submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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