IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 19793 of 2015 (Y)
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PETITIONER(S) :
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1. **JOHNY,**
   S/O.OUSEPH, CHERUMADATHIL HOUSE, ANGAMALY,
   ERNAKULAM DISTRICT.

2. **SAJI,**
   S/O.FRANCIS, PARAKKA HOUSE, KADANGOOR KARA,
   VADAKKUMBHAGOM VILLAGE, ANGAMALY, ERNAKULAM DISTRICT.

3. **SIMON,**
   S/O.ITTEERA, GOPURATHINKAL HOUSE, ANGAMALY,
   ERNAKULAM DISTRICT.

   BY ADVS.SRI.C.P.WILSON
   SRI.V.TEKCHAND

RESPONDENT(S) :
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1. **THE DISTRICT COLLECTOR,**
   ERNAKULAM, COLLECTORATE, ERNAKULAM, PIN- 685 221.

2. **THE VILLAGE OFFICER,**
   ALANGAD VILLAGE OFFICE, ERNAKULAM DISTRICT, PIN- 682 038.

   BY SR.GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

   THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

WP(C).No. 19793 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: **TRUE COPY OF THE JUDGMENT IN W.P.(C).NO.26450/2012 DATED 30.11.2012.**

EXHIBIT P2: **TRUE COPY OF THE REPLY OF 2ND RESPONDENT DATED 21.05.2012.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 19793 of 2015 (Y)

Dated this the 15th day of July, 2015

J U D G M E N T

The petitioners are aggrieved with the fact that the land tax of the petitioners for the properties having extent of 20.24 Ares comprised in Survey Nos.425/3A-1 and 425/3A-2 and 18.40 Ares comprised in Survey Nos.440/5B and 425/3B-2 of Thiruvaloor Kara, Alangadu Village, Paravoor Taluk, were not accepted by the 2nd respondent.

2. The learned Government Pleader submits that it is only on account of the land having been converted from a paddy land, tax is not accepted. If conversion has been effected against the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008, it is for the appropriate authority to take proceedings against such conversion. However, there can be no interdiction of payment of land tax merely for the reason that the land has been converted. Payment of land tax also does not absolve

the land owner from such proceedings.

In such circumstance, the land tax shall be accepted from the petitioners. Writ Petition allowed.

Sd/-
K.VINOD CHANDRAN,
JUDGE

jjj