

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 21504 of 2014 (K)

PETITIONER(S):

1. AMMAD, AGED 60 YEARS,
S/O. MAYINKUTTY MUSALIAR, NELLOT KANDI,
P.O. AYANCHERI, KOZHIKODE DISTRICT.
2. ABDULLA, S/O. MAYINKUTTY MUSALIAR,
KUDIYANCHERI HOUSE, AYANCHERI. P.O.,
KOZHIKODE DISTRICT.
3. MARYAM, D/O. MAYINKUTTY MUSALIAR,
NELLOT KANDI, P.O. AYANCHERI,
KOZHIKODE DISTRICT.
4. KUNHABDULLA, S/O. ANDRUMAN,
PULIYANCHERI (HOUSE), KULATHUMKARA,
PANTHIRIKKARA, PERUVANNAMUZHI,
KOZHIKODE DISTRICT.
5. ABDUL LATHEEF, S/O. LATE AMMED,
VALIYA KANNANGOTT, (P.O.) AYANCHERI,
KOZHIKODE DISTRICT.
6. SUBAIDA, D/O. LATE AMMED,
PULIYANCHERI HOUSE, PERUVANNAMUZHI,
KOZHIKODE DISTRICT.
7. BASHEER,
S/O. LATE AMMED, VALIYA KANNANGOTT,
P.O. AYANCHERI, KOZHIKODE DISTRICT.
8. RAHMATH, DO. LATE AMMED,
THONDIKKANDIYIL, (P.O.) AYANCHERI,
KOZHIKODE DISTRICT.
9. ABDUL HAKKIM,
D/O. LATE AMMED, VALIYA KANNANGOTT (HOUSE),
P.O. AYANCHERI, KOZHIKODE DISTRICT.

**BY ADVS.SRI.MOHANAN V.T.K.,
SRI.K.NOORUDHEEN.**

WP(C).No. 21504 of 2014 (K)

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
AYANCHERI VILLAGE,
KOZHIKODE DISTRICT-673 001.**
- 2. THE TAHSILDAR,
VATAKARA TALUK-673 001.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKODE-673 001.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 21504 of 2014 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1. TRUE COPY OF THE DOCUMENT NO. 524 OF 1938.**
- P2. TRUE COPY OF THE LAWYER NOTICE SENT TO THE DISTRICT COLLECTOR, KOZHIKODE DATED 14-07-2014.**
- P3. TRUE COPY OF THE ACKNOWLEDGEMENT CARD WITH RESPECT TO EXT.P2 LAWYER NOTICE.**

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.21504 of 2014

Dated this the 15th day of October, 2015

J U D G M E N T

The petitioner has approached this Court on account of the non-acceptance of basic tax in respect of the property covered by Ext.P1. The petitioner claims the right in respect of item No.6 of Ext.P1.

2. The learned Government Pleader on instructions would submit that land tax is not accepted from the petitioner for the reason that the above property is in possession of one Kunjabudulla and Moidu.

3. This Court is of the view that Tahsildar shall take an appropriate decision in the matter after hearing the petitioner as well as Kunjabdulla and Moidu. It is also open for the Tahsildar to demarcate the property claimed by the petitioner in item No.6 of Ext.P1 with respect to the title deed claimed by the petitioner and also Kunjabdulla and Moidu. Appropriate decision shall be taken by the Tahsildar within three months from the date of receipt of a copy of

this judgment after hearing the petitioner and all affected parties.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/