

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 21360 of 2015 (T)

PETITIONER(S) :

**SHAKUNTHALA, AGED 40 YEARS,
W/O.RADHAKRISHNAN, KOCHUVEETIL,
PULLIKKANAKKU, PULLIKANAKKU.P.O.,
ALAPPUZHA DIST., PIN – 690 537.**

**BY ADVS.SRI.M.G.SREEJITH
SRI.ASHOK SURESH**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, LSGD.**
- 2. KRISHNAPURAM GRAMA PANCHAYATH, KRISHNAPURAM,
ALAPPUZHA DIST., REPRESENTED BY ITS SECRETARY, PIN – 690 537.**
- 3. SHANTHA RAGHU, NARANATH HOUSE,
PULLIKKANAKKU, PULLIKANAKKU P.O.,
ALAPPUZHA.**

R1 BY SMT.K.A. SANJEETHA, GOVERNMENT PLEADER

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

AMV

: 2 :

WP(C).No. 21360 of 2015 (T)

APPENDIX

PETITIONER(S) EXHIBITS :

**EXT.P1. : COPY OF THE RECEIPTS OF PROPERTY TAX FOR THE YEAR
2013 – 2014 AND 2014 – 2015 DATED 29.12.2014.**

EXT.P2. : COPY OF THE DEMAND NOTICE DATED 10.11.2014.

**EXT.P3. : COPY OF THE CASH RECEIPT OF PROPERTY TAX OF
BUILDING NO.134 FOR THE YEAR OF 2013 – 2014 AND
2014 – 2015 DATED 13.03.2015.**

EXT.P4. : COPY OF THE APPLICATION DATED 10.06.2015.

RESPONDENTS EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

AMV

A.V.RAMAKRISHNA PILLAI, J.

.....
W.P.(C) No. 21360 of 2015 (T)

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Dated this the 15th day of July, 2015

JUDGMENT

The petitioner is seeking a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P4 application.

- 2.The petitioner is aggrieved by Ext.P2 demand notice dated 10.11.2014. On a perusal of the notice, it can be seen that the, notice is issued with regard to the building bearing No.134. Even though, the Ext.P2 notice is addressed to the petitioner, the building mentioned therein does not belongs to the petitioner; it is alleged. In fact the building belongs to the 3rd respondent. The petitioner immediately informed the above fact to the 2nd respondent. The petitioner alleges that without even perusing the documents or giving an opportunity to be heard, the 2nd respondent threatened the petitioner that he will proceed with revenue recovery steps, if the amount is not paid immediately. In order to avoid unpleasant events, petitioner immediately paid the amount due as per Ext.P2 notice. The petitioner points out that he is entitled to get the illegally collected amount of Rs.366/- as per Ext.P3, refunded. He is also seeks a declaration that the building bearing No.134 does not belongs to the petitioner.

The petitioner has already filed an application to the 2nd respondent in this regard. The grievance of the petitioner is that even after the lapse of more than a month, the 2nd respondent is yet to consider Ext.P4 application.

3.The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider Ext.P4 application. Therefore, this Court is of the view that the writ petition can be disposed of, without issuing notice to the respondents.

Considering the facts and circumstances of the case, this writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P4 application, after affording an opportunity of hearing to the petitioner and all other affected parties (3rd respondent), within a period of one months from the date of receipt of a copy of this judgment.

sd/-

A.V.RAMAKRISHNA PILLAI, JUDGE