

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 28447 of 2008 (J)

PETITIONER:

K.K.KRISHNAN, S/O.KALLAYIL KOCHAKKAN,
KAIPAMANGALAM VILLAGE, KODUNGALLUR TALUK.

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S):

1. THE DISTRICT COLLECTOR, THRISSUR.
2. AGRICULTURAL OFFICER, KRISHIBHAVAN,
KAIPAMANGALAM, THRISSUR DISTRICT.
3. THE VILLAGE OFFICER, VILLAGE OFFICE,
KAIPAMANGALAM, KODUNGALLUR TALUK,
THRISSUR DISTRICT.
4. THE KERALA STATE ELECTRICITY BOARD,
KAIPAMANGALAM SECTION, KODUNGALLUR TALUK,
THRISSUR DISTRICT.
- *5. THE THAHSILDAR, KODUNGALLUR,
KODUNGALLUR TALUK, THRISSUR DISTRICT.(CORRECTED)

*THE ADDRESS OF 5TH RESPONDENT IS CORRECTED AS
"THE THAHSILDAR, KODUNGALLUR.P.O, PIN - 680 664."

AS PER ORDER DATED 21.3.2011 IN IA.4661/2011.

R1 TO R3 & R5 BY ADV. GOVT. PLEADER SRI.MANOJ P.KUNJACHAN
R4 BY ADV. SRI.P.P.THAJUDEEN, SC
BY ADV. SMT.NAZEEBA.O.H.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE SALE DEED NO.1066/1961 OBTAINED BY THE PETITIONER.
- EXT. P2 : TRUE COPY OF THE PATTAYAM NO.1919/1961 IN FAVOUR OF THE PETITIONER.
- EXT. P3 : TRUE COPY OF THE JUDGMENT DATED 31.12.1987 IN A.A.111/1987 OF THE APPELLATE TRIBUNAL(LAND REFORMS), THRISSUR.
- EXT. P4 : TRUE COPY OF THE COMMON JUDGMENT DATED 6.12.2003 IN A.S.75/1998 AND A.S.96/1998 OF THE SUB COURT, IRINJALAKUDA.
- EXT. P5 : TRUE COPY OF THE JUDGMENT DATED 31.1.2008 IN O.S.41/2004 OF THE MUNSIF COURT, KODUNGALLUR.
- EXT. P6 : TRUE COPY OF THE APPLICATION FORM SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT. P7 : TRUE COPY OF THE DEMAND AND DISCONNECTION NOTICE ISSUED BY 4TH RESPONDENT TO THE PETITIONER.
- EXT. P8 : TRUE COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER TO THE 5TH RESPONDENT.

RESPONDENTS' EXHIBITS:

- EXT. R4(A) : COPY OF THE DECLARATION SUBMITTED BY THE PETITIONER.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 28447 of 2008

Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner on the basis of declaration of his right, title and interest sought for payment of basic tax of a property. The petitioner for the purpose of exemption from payment of electricity charges for agricultural purposes is said to have approached the 2nd respondent. The 2nd respondent however, refused to consider the same since the petitioner has not paid the land tax for the year 2008. The petitioner who attempt to pay the land tax also was met with a refusal from the 3rd respondent. Hence the above writ petition was filed seeking direction to the 3rd respondent to accept the basic tax for the properties and for a further direction to the 4th respondent to interdict the disconnection of the electricity.

2. Admittedly, there is an appeal pending in the Sub Court, Irinjalakuda from the declaration said to have been

obtained by the petitioner. The person against whom the suit was filed and who has filed the appeal, has not been impleaded in the writ petition. In any event, the petitioner would have to await decision of the Civil Court before seeking for a direction for acceptance of basic tax.

In such circumstance, the writ petition would stand closed, leaving open such remedy.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge