

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 25026 of 2015 (C)

PETITIONER:

**C.O.POULOSE,
S/O.OUSEPH, CHIRAKKAL HOUSE, KIDANGOOR P O,
(VIA) ANGAMALI, ALUVA TALUK, ERAKULAM DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS:

**1. THE TAHSILDAR,
TALUK OFFICE, ALUVA, ERNAKULAM DISTRICT,
PIN 683101.**

**2. THE VILLAGE OFFICER.
KOTHAKULANGARA SOUTH VILLAGE,
(THURAVOOR VILLAGE) ALUVA TALUK,
ERNAKULAM DISTRICT 683572.**

**3. ADDITIONAL TAHSILDAR
TALUK OFFICE, ALUVA, ERNAKULAM DISTRICT,
PIN 683101.**

*** ADDL.R4 IMPEADED**

**4. THE EXECUTIVE ENGINEER,
CHALAKUDY, IDATHUKARA IRRIGATION CANAL PROJECT,
CHALAKUDY, THRISSUR DISTRICT - 680 307.**

ADDL.R4 IS IMPEADED AS PER ORDER DATED 13.10.2015 IN IA 14716/15.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE DOCUMENT NO 492/71 OF SRO, ANGAMALY ISSUED IN THE NAME OF THE PETITIONER
- P2:- TRUE COPY OF THE PATTa NO 13554/76 OF LAND TRIBUNAL, KOTTAYAM
- P3:- TRUE COPY OF THE APPLICATION DTD 17/10/2012 MADE BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- P4:- TRUE COPY OF THE COMMUNICATION DTD 10/6/2013 SENT BY THE 3RD RESPONDENT IN THE NAME OF THE PETITIONER
- P5:- TRUE COPY OF THE REPORT DTD 2/11/2012 SUBMITTED BY THE VILLAGE OFFICER, THURAVOOR TO THE TAHSILDAR
- P6:- TRUE COPY OF THE HEARING NOTICE ISSUED U/S.72F OF THE KERALA LAND REFORMS ACT IN THE NAME OF THE PETITIONER
- P7:- TRUE COPY OF THE STATEMENT SIGNED BY THE LAND TRIBUNAL , KOTTAYAM, ON 25/11/1976 TO BE ATTACHED ALONG WITH THE ORDER PASSED U/S.72F OF THE KERALA LAND REFORMS ACT
- P8:- TRUE COPY OF THE LAST BASIC TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, THURAVOOR VILLAGE ON 2/11/2012 FOR THE LANDS MENTIONED IN EXT P1
- P9:- TRUE COPY OF THE BASIC TAX RECEIPT DTD 16/3/1994 RELATING TO THE PROPERTIES COMPRISED IN SURVEY NO 440/SB EXTENDING TO 8.5 CENTS IN THURAVOOR VILLAGE

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 25026 of 2015

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Dated this the 19th day of November, 2015

J U D G M E N T

The petitioner claims that he is the owner of the landed property situated in Sy. No. 116/3, 116/4 and 114 part in Thuravoor Village (Kothakulangara) in Aluva Taluk.

2. The petitioner approached this Court on account of non acceptance of the basic tax in respect of the above property.

3. The learned Government Pleader on instructions submits that 4th respondent, Executive Engineer, Irrigation Canal Project has intimated that a portion of irrigation property suspects to have included in the petitioner's possession. The 4th respondent also requested to conduct survey. In the light of above, considering the facts and circumstances the following directions are issued:

The Additional Tahsildar shall conduct and demarcate the property of the petitioner within a period of three months

after notice to the 4th respondent and the entire exercise in this regard shall be completed within three months. Based on the demarcation and survey, property tax shall be accepted from the petitioner. Before identification, the notice also shall be given to the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE