

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 26638 of 2015 (D)

PETITIONERS :

- 1. MATHEW KURIAKOSE**
AGED 85 YEARS, S/O.KURIAKOSE, THOMPUNNAYIL HOUSE
CHERUVALLY VILLAGE, KANJIRAPPALLY TALUK
KOTTAYAM DISTRICT - 686 507
REPRESENTED BY POWEROF ATTORNEY HOLDER SUNNY MATHEW.
 - 2. JAINAMMA MATHEW ALIAS THRESSIAMMA**
AGED 39 YEARS, D/O.KURIAKOSE,
THOMPUNNAYIL HOUSE, CHERUVALLY VILLAGE
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT - 686 507
REPRESENTED BY POWEROF ATTORNEY HOLDER SUNNY MATHEW.
- BY ADV. SRI. ZAKEER HUSSAIN**

RESPONDENTS :

- 1. STATE OF KERALA**
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
- 2. THE TAHASILDAR**
VYTHIRI TALUK OFFICE, VYTHIRI - 673 576.
- 3. THE VILLAGE OFFICER**
VELLARIMALA VILLAGE,
VYTHIRI TALUK - 673 576.

R1 TO R3 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...2/-

WP(C).No. 26638 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. TRUE COPY OF THE SALE DEED NO.1872 OF 1970 OF VYTHIRI SUB
REGISTRY OFFICE.**
- EXHIBIT P2. TRUE COPY OF THE GIFT DEED NO.2227 OF 1976 OF VYTHIRI SUB
REGISTRY OFFICE.**
- EXHIBIT P3. TRUE COPY OF THE TAX RECEIPT.**
- EXHIBIT P4. TRUE COPY OF THE TAX RECEIPT ISSUED BY THE 3RD RESPONDENT
SHOWING THE REMITTANCE OF THE TAX FOR THE YEAR 2014-2015.**
- EXHIBIT P5. TRUE COPY OF THE REPRESENTATION DATED 15.06.2015 SUBMITTED
BY THE 1ST PETITIONER.**
- EXHIBIT P6. TRUE COPY OF THE REPRESENTATION DATED 15.06.2015 SUBMITTED
BY THE 2ND PETITIONER.**
- EXHIBIT P7. TRUE COPY OF THE JUDGMENT IN WRIT PETITION (C)
NO.22088 OF 2015 DATED 05.08.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 26638 of 2015

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Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioners approached this Court on account of non acceptance of land tax in respect of land situated in re-survey No.45/1 of Vellarimala Village. The petitioners also seeks issuance of possession certificate.

2. The learned Government Pleader submits that the land originally belonged to M/s Harrisons Malayalam, and they are unable to accept land tax. It is further submitted that proceedings have been initiated under the Land Conservancy Act and there was a bar on alienation of the land.

3. This Court is of the view that without prejudice to proceed against the petitioners' property, under Land Conservancy Act or under any other enactment, if the petitioners are in possession of the property, the land tax shall be accepted from the

petitioners and possession certificate shall be issued. Needful shall be done within a period of three weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE