

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 30597 of 2012 (Y)

PETITIONER:

**PRIYADATHA ANTHARJANAM, AGED 73 YEARS,
W/O. LATE SANKARANARAYANAN NAMBOODIRIPPAD
VARIKKASSERY MANA, P.O. NEDUMBURA,
CHERUTHURUTHI, THRISSUR DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
PALAKKAD-678001.**
- 2. THE TAHSILDAR,
OTTAPALAM-679101.**
- 3. THE VILLAGE OFFICER,
VANIYAMKULAM II VILLAGE,
P.O. VANIYAMKULAM-679522.**
- 4. THE STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM-695001.**

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1:** TRUE COPY OF THE ORDER DATED 16-11-2011 IN WPC NO. 30503/2011, HIGH COURT OF KERALA.
- EXT.P2:** TRUE COPY OF ORDER DATED 26-4-2012 IN S.M. NO. 2/2003 TALUK LAND BOARD, OTTAPALAM.
- EXT.P3:** TRUE COPY OF APPLICATION DATED 9-7-2012 PRESENTED BEFORE DISTRICT COLLECTOR, PALAKKAD.
- EXT.P4:** TRUE COPY OF APPLICATION DATED 3-9-2012 PRESENTED BEFORE THE TAHSILDAR, OTTAPALAM.
- EXT.P5:** TRUE COPY OF APPLICATION DATED 22-8-2012 PRESENTED BEFORE THE VILLAGE OFFICER, VANIYAMKULAM VILLAGE OFFICE.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. Vinod Chandran, J

W.P.(C).No.30597 of 2012-Y

Dated this the 14th day of July, 2015

JUDGMENT

The petitioner is aggrieved with the non-consideration of Exhibits P3 and P4. Exhibits P3 and P4 are applications filed to accept the land tax with respect to the property in the possession of the petitioner.

2. The learned Government Pleader, on instruction, submits that since ceiling proceedings are pending against a portion of the property, tax is not being accepted with respect to that extent of land alone.

3. Mere pendency of a ceiling proceeding shall not deter the State from accepting land tax, since that does not in any way affect the ceiling proceedings. In such circumstance, land tax shall be accepted; subject, however, to the ceiling proceedings.

The writ petition is disposed of as above. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]