

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28486 of 2015 (I)

PETITIONER(S):

**HAMEED, S/O. HAMZA, CHOLAMUKATH HOUSE
PO CHERUKARA, PERUNTHALMANNA,
MALAPPURAM DISTRICT**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

- 1. THE TAHSILDAR, TIRUR - 676 101
MALAPPURAM DISTRICT**
- 2. THE REVENUE DIVISIONAL OFFICER
TIRUR - 676 101
MALAPPURAM DISTRICT**

R BY GOVERNMENT PLEADER, SMT. LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE PHOTOGRAPHS SHOWING THE PRESENT STAGE OF CONSTRUCTION.
- EXT.P2 TRUE COPY OF THE ASSESSMENT ORDER DATED 11/3/2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3 TRUE COPY OF THE DEMAND NOTICE DATED 11.03.2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P4 TRUE COPY OF THE APPEAL DATED 15.06.2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P5 TRUE COPY OF THE STAY PETITION DATED 15.06.2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P6 TRUE COPY OF THE DELAY CONDONATION APPLICATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P7 TRUE COPY OF THE RECEIPT DATED 07.04.2015 ISSUED BY THE KATTIPARUTHI VILLAGE OFFICE.

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 28486 of 2015

Dated this the 18th day of September, 2015

JUDGMENT

Against Ext.P2 assessment order and Ext.P3 demand notice under the Kerala Building Tax Act, the petitioner has preferred Ext.P4 appeal and Ext.P5 stay petition, along with Ext.P6 delay condonation petition, before the 2nd respondent, after depositing the first installment of the tax demanded in Ext.P3 demand notice. It is the case of the petitioner that Exts.P4, P5 and P6, appeal, stay petition and delay condonation petition respectively, are pending consideration before the 2nd respondent, and in the meanwhile, the respondents are initiating recovery steps for recovery of the remaining installments demanded in Ext.P3 demand notice.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Exts.P4 appeal and P6 delay condonation application, within a period of one month from the date of receipt of a copy of

this judgment, after hearing the petitioner. It is made clear that the recovery steps for recovery of the balance installments as demanded in Ext.P3 demand notice, shall be kept in abeyance, till such time as orders are passed by the 2nd respondent as directed and communicated to the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das