

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 28854 of 2014 (F)

PETITIONER :

**SANKARAPILLAI,
AGED 67 YEARS, S/O. VELAYUDHAN PILLAI
RESIDING AT ACHUTHALAYAM VEEDU, BHARANIKKAVU VILLAGE
KATTACHIRAMURI, MAVELIKKARA, PINCODE - 690 503.**

**BY ADVS.SRI.M.G.SREEJITH
SRI.D.SIVAPRAKASH
SMT.K.ANILA (THIRUVALLA)**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. THE TAHSILDAR,
MAVELIKKARA, ALAPPUZHA DISTRICT
PIN - 690 501.**
- 3. THE VILLAGE OFFICER,
VILLAGE OFFICE, BHARANIKAVU, PIN- 690537.**

R1 TO R3 BY SR. GOVT. PLEADER SRI.K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 28854 of 2014 (F)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT-P1- TRUE COPY OF THE RECEIPT OF LAND TAX DATED 19/08/2010.
- EXHIBIT-P2- TRUE COPY OF LOCATION SKETCH ISSUED BY THE 3RD
RESPONDENT DATED 19/08/2010.
- EXHIBIT-P3- TRUE COPY OF THE POSSESSION CERTIFICATE DATED 21/08/2010
ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT-P4- TRUE COPY OF THE RECEIPT OF LAND TAX ISSUED BY THE 3RD
RESPONDENT IN FAVOUR OF THE PETITIONER.
- EXHIBIT-P5- TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY THE
SUB REGISTRAR OFFICE, BHARANIKAVU.
- EXHIBIT-P6- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 28854 OF 2014
.....

Dated this the 30th January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"1. Declare that the petitioner is legally entitled to remit the land tax to the entire extent of 7.30 Ares of land comprised in Re.Survey No.608/6 of Bharanikkavu Village which he is in absolute possession and enjoyment .

2. Issue a writ of mandamus or any other appropriate writ order or direction directing the 3rd respondent to accept remittance of the land tax by the petitioner for the entire extent of property and issue due receipt as soon as he pays the same.

3. Issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd respondent to pass appropriate orders in Exhibit P6 representation in accordance with law within a time limit after affording an opportunity of hearing to the petitioner.

4. Award costs of and incidental to this petition.

5. Any other appropriate order or direction as deemed fit by this Honourable Court."

2. The learned Counsel for the petitioner points out that the attempt made by the petitioner to satisfy the land tax in accordance with the relevant provisions of the Kerala Land Tax Act was not acceded to by the third respondent/Village Officer inspite of the fact that the predecessors in interest of the

petitioner were satisfying the tax and enjoying the property with absolute ownership, exclusive possession and clear and marketable title . It was in the said circumstance, the petitioner purchased the said property as per Sale Deed No.2429/10 and mutation has already been effected in the revenue records. This being the position, there is absolutely no rhyme or reason for not accepting the tax from the petitioner.

3. Heard the learned Government Pleader as well.

4. This Court finds that the petitioner has already approached the second respondent/Tahsildar by filing Ext.P6. In the said circumstance, this Court finds it fit and proper to direct the second respondent/Tahsildar to consider and dispose of Ext.P6 at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent/Tahsildar for further steps.

The writ petition is disposed of.

P.R.RAMACHANDRA MENON
JUDGE