IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 29262 of 2015 (G)

PETITIONERS:
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1. ADV. U.A.LATHEEF, AGED 62 YEARS,
   S/O MUHAMMED HAJI, BUSHRA MANZIL,
   MANJERI, MALAPPURAM DISTRICT-676121.

2. HAFSABI, AGED 60 YEARS, W/O. ADV. U.A.LATHEEF,
   BUSHRA MANZIL, MANJERI, MALAPPURAM DISTRICT-676121.

   BY ADV. SRI.U.K.DEVIDAS

RESPONDENT:

THE MANJERI MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MANJERI.P.O., MALAPPURAM DISTRICT-676121.

BY SRI.K.SHIBILI NAHA, SC, MANJERI MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 29262 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1	TRUE COPY OF THE BUILDING TAX RECEIPT DATED 19.12.1091
EXHIBIT P1(a)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 20.12.1991
EXHIBIT P1(b)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 21.2.1993
EXHIBIT P1(c)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 31.03.1997
EXHIBIT P1(d)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 26.11.2001
EXHIBIT P1(e)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 19.10.2002
EXHIBIT P1(f)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 23.3.2005
EXHIBIT P1(g)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 30.9.2006
EXHIBIT P1(h)	TRUE COPY OF THE BUILDING TAX RECEIPT DATED 19.9.2007
EXHIBIT P1(i)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 10.9.2008
EXHIBIT P1(j)	TRUE COPY OF THE BUILDING TAX RECEIPTS DATED 18.09.2014
EXHIBIT P2	TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER,MANJERI VILLAGE DATED 03.07.2015
EXHIBIT P3	TRUE COPY OF THE ORDER DATED 18.08.2015 PASSED BY THE RESPONDENT.
EXHIBIT P4	TRUE COPY OF THE DECISION REPORTED IN 2015(1)KLT 309.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 29262 OF 2015

Dated this the 6th day of October, 2015

JUDGMENT

The residential buildings in the property of the petitioners were assessed to tax by the municipality evidenced by Ext.P1 series receipts. There can therefore be no objection to pull down the buildings and construct a non residential building if the petitioners so desire. The mere fact that the property has been described as wet land in the Basic Tax Register is not a ground to reject the application for building permit put in by the petitioner.

2. I quash Ext.P3 order and direct the respondent municipality to reconsider the application for building permit put in by the petitioner. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

V. CHITAMBARESH
JUDGE

ncd