

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 29692 of 2015 (J)

PETITIONER(S):

**GIGI MATHEW, AGED 47 YEARS,
W/O.DAVIS, CHUNDAKATHIL HOUSE,
ETTUMANOOR P.O., KOTTAYAM.**

BY ADV. SRI.S.NIDHEESH

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM - 686 002.**
- 2. THE VILLAGE OFFICER,
AYARKUNNAM VILLAGE,
AYARKUNNAM, KOTTAYAM - 686 564.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29692 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE COPY OF THE SALE DEED NO.1756/2012 DTD.14.11.2012.

EXT.P2: TRUE COPY OF THE TAX REMITTANCE RECEIPT FOR 2013.

EXT.P3: TRUE COPY OF THE TAX REMITTANCE RECEIPT FOR 2014.

**EXT.P4: TRUE COPY OF THE POSSESSION CERTIFICATE DTD.20.11.2013 ISSUED BY
THE 2ND RESPONDENT.**

**EXT.P5: TRUE COPY OF THE DECREE IN OS. NO.645/2013 OF THE MUNSIF COURT,
KOTTAYAM.**

EXT.P6: TRUE COPY OF THE PETITION SENT BY REGISTERED POST ON 8.7.2011.

EXT.P7: TRUE COPY OF THE REGISTERED ACKNOWLEDGMENT.

**EXT.P8: TRUE COPY OF THE ORDER NO.603/2015 DTD.15.7.2015 ISSUED BY THE
VILLAGE OFFICER.**

EXT.P9: TRUE COPY OF THE OS.799/2014 BEFORE THE MUNSIF COURT, KOTTAYAM.

**EXT.P10: TRUE COPY OF THE COMMUNICATION MADE BY THE S.I. OF PLICE TO THE
VILLAGE OFFICER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 29692 of 2015

Dated this the 30th day of September, 2015

J U D G M E N T

Petitioner approached this Court on account of non-acceptance of basic tax in respect of land in Sy.No.538 in Block No.34 (Re.Sy.No.439) of Ayarkunnam Village. The petitioner also claims that the Revenue Officials refused to issue possession certificate.

2. By Ext.P8, the Village Officer intimated the petitioner that possession certificate can be issued only after demarcation of the property.

3. This Court is of the view that land tax has to be accepted from the petitioner. However, possession certificate is to be issued only after the completion of the demarcation of the property. If the petitioner has any dispute with the neighbouring owners, the petitioner is free to invoke the provisions under the Surveys and

Boundaries Act to survey and demarcate the property and thereafter, based on the demarcation, necessary possession certificate shall be issued.

This writ petition is disposed of as above.

SD/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C)NO.29692 of 2015

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