IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 33961 of 2008 (R)

PETITIONER(S):

KUNJALI, AGED 63 YEARS,
S/O.LATE PUTHUSSERY MOOSA,
RESIDING AT PUTHUSSERY HOUSE,
VAZHAKKAD AMSOM, DESOM,
MALAPPURAM DISTRICT.

BY ADV.SRI.P.K.JOSE.

RESPONDENT(S):

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1. TAHSILDAR, S. BATHERI,
   TALUK OFFICE, S. BATHERI, WAYANAD DISTRICT.

2. THE VILLAGE OFFICER, PURAKKADI,
   PURAKKADI P.O., S. BATHERI, WAYANAD DISTRICT.

3. STATE OF KERALA,
   REP. BY THE CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM P.O.,
   THIRUVANANTHAPURAM DISTRICT.

BY GOVT. PLEADER SMT.ANITHA RAVINDRAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

WP(C).No. 33961 of 2008 (R)

<u>APPENDIX</u>

<u>PETITIONER'S EXHIBITS</u>:-

EXT.P1	COPY OF THE RECEIPT DATED 11/02/2008 ISSUED FROM THE VILLAGE OFFICE PURAKKADI TO THE PETITIONER FOR REMITTANCE OF LAND TAX.
EXT.P2	COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT TAHSILDAR DATED 16/09/2008.
EXT.P3	COPY OF THE TAX RECEIPT DATED 04/02/2008 ISSUED BY THE 2ND RESPONDENT VILLAGE OFFICER TO THE PETITIONER.
EXT.P4	COPY OF THE COMPROMISE DECREE DATED 23/03/2005 IN O.S. NO.186/2004 OF MUNSIFF COURT, KALPETTA.

<u>RESPONDENT'S EXHIBITS</u>:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 33961 of 2008

Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner is stated as the owner of the property having an extent of 6 cents in block No.22 Re.Sy.No.203/6 of Purakkadi Village. The petitioner's grievance is mainly with regard to the refusal on the part of the concerned respondent in accepting the land tax with respect to the property owned by the petitioner.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

3. The learned counsel for the petitioner points out that, there was a 'compromise decree' between the petitioner and the other interested parties as borne by Ext.P4 (produced along with I.A. No.4358 of 2015). The petitioner was satisfying the tax in respect of the property as evident from Exts.P1 and P3. The fact that the petitioner is in possession of the property concerned is certified by the concerned authorities as per Ext.P2 as well. It is absolutely without any regard to the actual facts and figures the tax came to be refused to be accepted from 2008 onwards, which made the petitioner to approach this Court by filing the writ

petition.

4. A counter affidavit has been filed on behalf of the 1st respondent referring to some disputes stated as raised by some other parties. The learned counsel for the petitioner points out that it was in respect of the said dispute that the matter was sought to be settled leading to Ext.P4 judgment and the tax was also being satisfied accordingly, as evident from Ext.P3.

5. After hearing both the sides, the writ petition is disposed of, directing the respondents to accept the tax in respect of the property concerned, as it was being accepted earlier, as and when the same is tendered. It is also made clear that, acceptance of the tax as aforesaid will not stand detrimental to the rights and interests of the other parties concerned, if at all any, and if any dispute is pending consideration before any other Forum.

The writ petition stands disposed of accordingly.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn