

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 31123 of 2014 (M)

PETITIONER:

**JOICE RODRIGUES AGED 48 YEARS
W/O.BENCY RODRIGUES, KOLLAM VELIYAKATH HOUSE
P.O.NJARAKKAL, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS:

- 1. THE TAHSILDAR
KOCHI - 682 001**
- 2. THE VILLAGE OFFICER
NJARAKKAL VILLAGE, ERNAKULAM DISTRICT PIN - 682 505.**
- 3. THE SECRETARY
NJARAKKAL GRAMA PANCHAYATH, NJARAKKAL
ERNAKULAM DISTRICT, PIN - 682 505.**

**R3 BY ADV. SRI.S.SHANAVAS KHAN
R1 & R2 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE DOCUMENT NO.2219/1999 OF SRO, NJARAKKAL**
- EXT.P-2: TRUE COPY OF THE BASIC TAX RECEIPT NO.33 DATED 17.6.2003
ISSUED BY THE 2ND RESPONDENT IN THE NAME OF THE PETITIONER**
- EXT.P-3: TRUE COPY OF THE PATTA ISSUED IN THE NAME OF THE VENDOR
THIRIYANATH SANKARAN SEKHARAN OF NJARAKKAL AS LA 26/88 BY
THE TAHSILDAR, KOCHI.**
- EXT.P-4: TRUE COPY OF THE COMMUNICATION DATED 27.6.2014 SENT BY THE
1ST RESPONDENT BEFORE THE 3RD RESPONDENT**
- EXT.P-5: TRUE COPY OF THE DECISION DATED 24.9.2014 ISSUED BY THE 3RD
RESPONDENT TO THE 1ST RESPONDENT**
- EXT.P-6: TRUE COPY OF THE REQUEST MADE BY THE PETITIONER BEFORE
THE 2ND RESPNDENT ON 03.03.2015 ALONG WITH THE COPY OF THE
ENDORSEMENT DATED 04.03.2015 BY THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 31123 of 2014 (M)

Dated this the 13th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P4 order of the additional Tahsildar of the respondent Panchayath and Ext.P5 the resolution taken by the Panchayath. Ext.P3 proceeded on the misconception that the Local Self Government Institution has to issue a No Objection Certificate for the basic tax of the land to be accepted, is the contention.

2. The petitioner admittedly purchased an extent of property having 1.490 cents located in Survey no.47/3 of Njarakkal Viullage, Kochi Taluk, Ernakulam District as per Ext.P1 document of SRO, Narakkal. The said property has been assigned to the predecessor-in-interest of the petitioner. The conditions in Ext.P3 only stipulates that no alienation shall be made for a period of three years from the date of registry. The land itself was assigned in 1990. As

indicated in Ext.P3, the purchase made by Ext.P1 was in the year 1999, after nine years. The petitioner had also been paying tax till 2002 as indicated at Ext.P2

3. In such circumstance, there was no reason why Ext.P4 ought to have been issued, especially since the Panchayath has absolutely no say on the question of land tax. Ext.P5 is only on a misunderstanding, since the Panchayath, even according to the learned counsel appearing for the Panchayath, refused No Objection Certificate since there was no such requirement for putting up a dwelling house.

In such circumstance, Ext.P4 is set aside. The petitioner's land tax shall be accepted. Writ petition would stand allowed.

Sd/-
K.VINOD CHANDRAN,
JUDGE