

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 31139 of 2015 (N)

PETITIONER(S):

**THAJUDEEN, AGED 48 YEARS.
S/O.PAREETH, PUTHIYAVEETIL HOUSE,
EDAVILANGU KARA, KODUNGALLOOR,
THRISSUR DISTRICT.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
THRISSUR - 680 001.**
- 2. THE TAHSILDAR, KODUNGALLOOR,
THRISSUR DISTRICT - 680 001.**
- 3. THE VILLAGE OFFICER,
EDAVILANGADU VILLAGE OFFICE,
THRISSUR DISTRICT - 680 001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 31139 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: A TRUE COPY OF THE DOCUMENT BEARING NO.1691/1/2005 DTD.29.3.2005
OF KODUNGALLOOR SUB REGISTRY.**

EXT.P2: A TRUE COPY OF THE BASIC TAX RECEIPT DTD.2.6.2009.

**EXT.P3: A TRUE COPY OF THE AWARD OF THE PRE LITIGATION PETITION 153/2015
DTD.11.4.2015.**

EXT.P4: A TRUE COPY OF THE LAWYER'S NOTICE DATED NIL.

**EXT.P5: A TRUE COPY OF THE COMMUNICATION DTD.15.5.2015 ISSUED BY THE
3RD RESPONDENT.**

**EXT.P6: A TRUE COPY OF THE REPRESENTATION DTD.25.5.2015 FILED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT.P7: A TRUE COPY OF THE ORDER DTD.3.8.2015 PASSED BY THE
2ND RESPONDENT.**

**EXT.P8: A TRUE COPY OF THE COMMUNICATION DTD.19.9.2015 ISSUED BY THE
RESPONDENT TO THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

WP.(C).No. 31139 of 2015

Dated this the 13th day of October, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the non-acceptance of land tax in respect of the property in Survey Nos.412/3 and 413/3 of Edavalangu village in Kodungaloor Taluk.

2. As seen from Ext.P8 issued by the Tahsildar, petitioner's property has been acquired for the purpose of rehabilitating tsunami victims. It is also seen that some of the properties of the petitioner has been sold to third parties. The reason stated in Ext.P8 for non-acceptance of land tax is that the petitioner is not in possession of the above property.

3. This Court is of the view that Tahsildar shall conduct an enquiry regarding the factum of possession and also regarding the owner ship of the above land with reference to necessary documents. The Tahsildar shall take a decision after adverting to factual aspects as above

after hearing the petitioner as well as all affected parties. Needful shall be done within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/

The judgment dated 13.10.2015 in W.P.(C) No.31139/2015 (N) is corrected by adding survey No.'413/1' in line NO.3 along with other survey numbers in paragraph 1 of the judgment as per order dated 17/12/2015 in I.A.17983/2015 in W.P.(C) No.31139/2015 (N).

Registrar (Judicial)