

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 33418 of 2014 (B)

PETITIONER(S):

1. **BABU, AGED 44 YEARS**
S/O.UMMACHAN, MANGALAPILLY HOUSE, CHINNAKKANAL KARAYIL
MUNNAR, IDUKKI DISTRICT.
2. **JOHN THOMMY, AGED 85 YEARS**
S/O.THOMMY, LAKE VIEW ESTATE, CHINNAKKANAL
MUNNAR, IDUKKI DISTRICT.
3. **ABRAHAM JOSEPH, AGED 70 YEARS**
S/O.JOSEPH, SHANMUKHAVILASAM, SURYANELLI.P.O.
CHINNAKKANAL, MUNNAR, IDUKKI DISTRICT.
4. **UMMACHAN, S/O.YOHANNAN, MANGALAPPALLIL,**
CHINNAKKANAL, MUNNAR, IDUKKI.

BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND

RESPONDENT(S):

1. **THE STATE OF KERALA**
REPRESENTED BY SECRETARY, REVENUE (P) DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. **THE DISTRICT COLLECTOR**
IDUKKI, CIVIL STATION, PAINAVU.P.O.
IDUKKI, STATE HIGHWAY 43, KERALA. 685 603.
3. **THE TAHSILDAR, UDUMBANCHOLA TALUK, IDUKKI-685 603.**
4. **THE VILLAGE OFFICER,**
CHINNAKKANAL VILLAGE, IDUKKI.

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE PHOTOCOPY OF THE DOCUMENT OF TRANSFER OF TITLE DEED FOR THE SAID PROPERTIES MADE ON 22.6.01.
- P2- A TRUE COPY OF THE LATEST LAND TAX RECEIPT DATED 03.03.2005 ISSUED TO THE 1ST PETITIONER FROM CHINNAKKANAL VILLAGE.
- P3- A TRUE COPY OF THE PHOTOCOPY OF THE PATTa NO.LA 113/93/C DATED 19.07.1994 ISSUED TO THE 2ND PETITIONER.
- P4- A TRUE COPY OF THE LATEST LAND TAX RECEIPT DATED 24.11.2005 ISSUED TO THE 2ND PETITIONER FROM CHINNAKKANAL VILLAGE.
- P5- A TRUE COPY OF THE PHOTOCOPY OF THE PATTa NO.LA 114/93/C DATED 19.07.1994 ISSUED TO THE 3RD PETITIONER.
- P6- A TRUE COPY OF THE PATTa NO.LA 90/93C DATED 14.07.1994 ISSUED TO THE 4TH PETITIONER AND THE LATEST LAND TAX RECEIPT.
- P7- COPY OF GO(P) NO.456/2010/RD DATED 16.11.2010 NOTIFYING SRO 1058/2010 AS KERALA LAND ASSIGNMENT (REGULARIZATION OF OCCUPATIONS OF FOREST LANDS PRIOR TO 01.01.1977)(AMENDMENT) SPECIAL RULES, 2010.
- P8- COPY OF THE JUDGMENT DATED 17.07.14 IN W.P[C]NO.14000/2014.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 33418 of 2014

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Dated, this the 20th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

- "(i) Issue a writ in the nature of mandamus commanding the respondents to accept land tax pertaining to Ext. P1 P3, P5 and P6 properties, in accordance with Kerala Land Tax Act, within a time frame to be stipulated by this Honourable Court; and
- (ii) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the respondents to reissue Ext.P1, P3 P5 and P6 pattas to the respective petitioners, in accordance with law within a time frame to be stipulated by this Honourable Court.
- (iii) Issue such other writ, order or direction as this Honourable Court deems just and proper in the circumstances of the case.

2. The grievance of the petitioners is with regard to non-accepting of land tax from them in respect of the property concerned, referring to pending enquiry under the relevant provisions of the Kerala Land Assignment (Regularisation of Occupations prior to 01.01.1977) Special Rules, 1993. The learned counsel for the

petitioner submits that in an exactly similar matter, this Court directed the concerned respondent to accept land tax from the petitioners therein, as discernible from Ext. P8 verdict.

3. Heard the learned Government Pleader as well.

4. In the said circumstances, the 4th respondent is directed to accept land tax in respect of the properties covered by Exts. P1, P3, P5 and P6 as and when the same is tendered. It is made clear that this will no bar the way of the respondents in proceeding with further steps under under Kerala Land Assignment (Regularisation of Occupations prior to 01.01.1977) Special Rules, 1993.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the fourth respondent for further steps.

The Writ Petition is disposed of.

sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd