

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 34858 of 2014 (F)

PETITIONER :

**KANA KIZHAKKE VEETIL JANAKI AMMA, AGED 62 YEARS
D/O. LATE UCHIRAMMA, PERINGOME AMSOM
PERINTHATTA DESOM, KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS :

- 1. TAHSILDAR, TALIPARAMBA,
P.O.TALIPARAMBA, KANNUR-PIN-670141.**
- 2. KANA KIZHAKKE VEETIL KUNHIKRISHNAN
S/O. LATE UCHIRAMMA, PERINGOME AMSOM
PERINTHATTA DESOM, KANNUR DISTRICT, PIN-670307.**
- 3. DISTRICT COLLECTOR
KANNUR, PIN-670001.**

***ADDL. R4 & R5 IMPEADED ;**

- *4. CHEDAMBATH JANAKI,
W/O. LATE KANAKIZHAKKE VEETIL KUNHIKRISHNAN,
ARAVANCHAL P.O., PAYYANNUR, KANNUR DISTRICT-670307**
- *5. CHEDAMBATH SURESH, S/O. LATE KANAKIZHAKKE
VEETIL KUNHIKRISHNAN, ARAVANCHAL P.O.,
PAYYANNUR, KANNUR DISTRICT PIN-670307.**

ADDL. R4 & R5 IS IMPEADED AS PER ORDER DT 6/4/2015 IN IA NO. 4322/15.

**R1 & R3 BY GOVERNMENT PLEADER SRI. MANOJ KUNJACHAN
R4 & 5 BY ADV. SRI.M.SASINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:- TRUE COPY OF PURCHASE CERTIFICATE BEARING NO. 106/1987 AS PER SM 1646/1978 OF LAND TRIBUNAL, PAYYANNUR.
- EXHIBIT P2:- TRUE COPY OF APPLICATION IN DECEMBER, 2010 FILED BY THE PETITIONER BEFORE 1ST RESPONDENT.
- EXHIBIT P3:- TRUE COPY OF JUDGMENT DATED 10-06-2013 IN WPC NO. 14501/2013 PASSED BY THIS HON'BLE COURT.
- EXHIBIT P3(A):- TRUE COPY COVERING LETTER DATED 01-07-2013 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P3(B):- TRUE COPY OF POSTAL ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF EXHIBIT P3 BY 1ST RESPONDENT DATED 02-07-2013.
- EXHIBIT P4:- TRUE COPY OF THE NOTICE DATED 19-09-2014 FORWARDED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P4(A):- TRUE COPY OF POSTAL ACKNOWLEDGMENT CARD DATED 23-09-2014 EVIDENCING RECEIPT OF EXHIBIT P3 BY 1ST RESPONDENT.
- EXHIBIT P5:- TRUE COPY OF THE LIST OF DOCUMENTS DATED 30-09-2013 PRODUCED BEFORE THE 1ST RESPONDENT.
- EXHIBIT P5(A):- TRUE COPY OF STATEMENT DATED 30-09-2013 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6:- TRUE COPY OF THE STATEMENT IN THE FORM OF NOTES OF ARGUMENT ON 13-11-2013 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6(A):- TRUE COPY OF LIST OF DOCUMENT DATED 18-10-2013 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P7:- TRUE COPY OF ORDER DATED 05-12-2014 PASSED BY THE 1ST RESPONDENT PROCEEDINGS IN C2-31342/2011.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 34858 of 2014

Dated this the 16th day of November, 2015

JUDGMENT

The petitioner approached this Court challenging Ext.P7 Order of Tahsildar, Taliparamba.

2. The issue in this writ petition is relating to non-acceptance of basic tax from the petitioner in respect of the property covered by Ext.P1. Ext.P1 is the purchase certificate issued by the Land Tribunal, Payyannur. The request of the petitioner to accept basic tax has been rejected as per Ext.P7. It is seen that the petitioner has only remitted the tax till 1980-81.

3. This Court is of the view that Ext.P7 is unsustainable. If a purchase certificate is issued necessarily, that property ought to have been identified by

the Tahsildar. Therefore, after identifying the property, basic tax shall be accepted. Thus, after adverting to all the documents relied on by the petitioner, appropriate decision shall be taken within two months from the date of receipt of a copy of this judgment. Needless to say, the petitioner and the party respondents shall be heard in this matter.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

bpr