

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).NO. 35077 OF 2015 (H)

PETITIONER:

**T.V.KARUNAKARAN, AGED 27 YEARS
C M C 278, KARUNALAYATHIL, CHERTHALA THEKKU MURI
CHERTHALA TALUK.**

**BY ADVS.SRI.K.G.PAVITHRAN
SRI.V.N.SUBHANGAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, ALAPPUZHA
PIN 688 001.**
- 2. THE TAHSILDAR
TALUK OFFICE, CHERTHALA PIN 688 524.**
- 3. THE VILLAGE OFFICER
CHERTHALA SOUTH VILLAGE, CHERTHALA PIN 688 524.**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 35077 OF 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT:P1- TRUE COPY OF THE SETTLEMENT DEED NO.3142/68 DATED
30.5.1968**

EXHIBIT P2- TRUE COPY OF THE PARTITION DEED NO.2200/74 DATED 4.5.1974

EXHIBIT P3- TRUE COPY OF THE SALE DEED NO.523/1995

**EXHIBIT P4- TRUE COPY OF THE APPLICATION SUBMITTED DATED 30.7.2014
SUBMITTED TO THE 2ND RESPONDENT**

**EXHIBIT P5- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO
THE DISTRICT COLLECTOR DATED 15.9.2015**

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35077 of 2015

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Dated this the 21st day of December, 2015

J U D G M E N T

The petitioner approached this Court for following reliefs:

“i) Call for the records leading to Exhibit P1 to P5 and peruse them;

ii) Issue a writ of mandamus or any other appropriate Writ, direction or order to the respondents directing them to accept the basic tax in respect of 19 cents of property comprised in old Sy.No.31/24/1(6 cents) Sy.No.29/5 a(9 cents) and Sy.No.29/5 c (4 cents) of Cherthala Thekku Village of Cherthala Taluk obtained by the petitioner under settlement deed No.3142/68, partition deed No.2209/1974 and sale deed No.523/1995 of S.R.O., Cherthala and issue receipt in the name of the petitioner;

iii) Award costs of the petitioner in this proceedings;

iv) Issue such other writ, direction or order deemed just and proper in the circumstances of the case.”

2. The petitioner also refers to decree and judgment of civil suit. Exts.P1 to P3 are the documents. The petitioner's main grievance is that the basic tax is not received after 2001.

3. The learned Government Pleader on instructions submits that there is a reduction of 3 cents out of 19 cents

claimed by the petitioner and it is a part of Canal Puramboke.

4. This Court is of the view that the petitioner's property shall be identified with reference to Exts.P1 to P3 and as well as with reference to the decree of civil court. This shall be done by the 2nd respondent within two months from the date of receipt of the copy of this judgment. Based on the above, the basic tax shall be accepted from the entire extent or to such extent based on the identification.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE