

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 36670 of 2015 (G)

PETITIONER(S):

1. AMMINIYAMMA,
W/O.LATE KUTTAPPAN NAIR, AGED 75 YEARS,
'VADAKKEKARAKKATTIL', KUNCHAPPAN CHALLA,
CANALPIRIVU, PAMPAMPALLAM P.O., PALAKKAD.
2. K.CHANDRASEKARA KAIMAL,
S/O.LATE KUTTAPPAN NAIR, AGED 50 YEARS',
VADAKKEKARAKKATTIL', KUNCHAPPAN CHALLA,
CANALPIRIVU, PAMPAMPALLAM P.O., PALAKKAD.
3. V.K.SUKUMARA KAIMAL,
S/O.LATE KUTTAPPAN NAIR, AGED 44 YEARS,
'VADAKKEKARAKKATTIL', KUNCHAPPAN CHALLA,
CANALPIRIVU, PAMPAMPALLAM P.O., PALAKKAD.
4. V.K.ARAVINDAKSHA KIMAL,
S/O.LATE KUTTAPPAN NAIR, AGED 36 YEARS,
'VADAKKEKARAKKATTIL', KUNCHAPPAN CHALLA,
CANALPIRIVU, PAMPAMPALLAM P.O., PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

1. THE TAHSILDAR, PALAKKAD, PIN - 678 001.
2. THE VILLAGE OFFICER,
PUDUSSERI EAST VILLAGE,
PALAKKAD DISTRICT, PIN - 678 007.
3. THE DIVISIONAL FOREST OFFICER,
PALAKKAD, PIN - 678 001.

BY SRI.M.P.MADHAVANKUTTY, SPL. GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. A TRUE COPY OF THE PURCHASE CERTIFICATE DATED 31.10.1978 ISSUED BY THE SPECIAL TAHASILDHAR, VESTED FOREST LAND ASSIGNMENT; PALGHAT.
- EXHIBIT P2. A TRUE COPY OF THE BASIC TAX PAID RECEIPT DATED OCTOBER 7, 1978 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P3. A TRUE COPY OF REGISTERED SALE DEED NUMBER 5259/1999 OF THE SRO, PALAKKAD.
- EXHIBIT P4. REGISTERED PARTITION DEED NUMBER 2138/2001 OF THE SRO, PALAKKAD.
- EXHIBIT P5. A TRUE COPY OF THE LETTER DATED DECEMBER 3, 2011 ISSUED BY THE ADDITIONAL TAHASILDAR PALAKKAD.
- EXHIBIT P6. A TRUE COPY OF THE RECEIPT DATED 27.01.2014 ISSUED BY THE 2ND RESPONDENT EVIDENCING PAYMENT OF BASIC TAX IN RESPECT OF THE PROPERTY HELD BY 2ND PETITIONER.
- EXHIBIT P7. A TRUE COPY OF THE RECEIPT DATED 27.01.2014 ISSUED BY THE 2ND RESPONDENT EVIDENCING PAYMENT OF BASIC TAX IN RESPECT OF THE PROPERTY HELD BY 3RD PETITIONER.
- EXHIBIT P8. A TRUE COPY OF THE RECEIPT DATED 27.01.2014 ISSUED BY THE 2ND RESPONDENT EVIDENCING PAYMENT OF BASIC TAX IN RESPECT OF THE PROPERTY HELD BY 4TH PETITIONER.
- EXHIBIT P9. A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED IN THE NAME OF THE 3RD PETITIONER.
- EXHIBIT P10. A TRUE COPY OF THE CERTIFICATE DATED OCTOBER 14, 2015 ISSUED BY THE KRISHI BHAVAN, PUTHUSSERRY

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 36670 of 2015

Dated this the 16th day of December, 2015

J U D G M E N T

The petitioners have approached this Court aggrieved by the refusal to accept basic tax and to issue possession certificate. The petitioners claim title in respect of the property covered by Ext.P1 purchase certificate dated 31.10.1978 issued by the Special Tahsildar, Vested Forest Land Assignment, Palakkad. The Additional Tahsildar, Palakkad, by Ext.P5 letter, communicated the petitioners that the tax cannot be accepted as it is required to correct the resurvey records.

This Court is of the view that this writ petition can be disposed of directing the Additional Tahsildar, Palakkad to correct the revenue records within a period of two months from the date of receipt of a copy of this judgment; and thereafter, based on the same, basic tax shall be accepted by the 2nd respondent.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE