IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

WP(C) NO. 19287 OF 2024

PETITIONER:

P.F.BASIL,
AGED 57 YEARS, S/O.SRI FRANCIS,
PATTALATH VALIYAVEETIL, KATTIPARAMBU , KANNAMALI P.O,
KOCHI, PIN – 682 008.

BY ADV ALEX ANTONY SEBASTIAN P.A.

RESPONDENTS:

1 **THE DEPUTY DIRECTOR OF PANCHAYATHS,**
CIVIL STATION KAKKANAD, KAKKANAD P.O, KOCHI,
PIN – 688 030.

2 **THE SECRETARY,**
CHELLANAM GRAMA PANCHAYATH, ANDIKADAVU P.O., KOCHI,
ERNAKULAM DISTRICT, PIN – 682 008.

3 **THE CHELLANAM GRAMA PANCHAYATH,**
ANDIKADAVU P.O, KOCHI, ERNAKULAM DISTRICT,
PIN – 682 008,
REPRESENTED BY ITS SECRETARY.

BY ADVS.
DINESH R.SHENOY (SC)
SILESH S. PRABHU
JOMOL PIUS
HELAN PAULOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court seeking the following reliefs:

i. *"Issue a Writ of Mandamus or any other writ directing the 2nd Respondent to consider* ***Exhibit P4*** *request to accept the building tax up to date in a time bound manner;*
ii. *Issue such other Writ order or direction as this Hon'ble Court may deems fit and proper to grand in the facts and circumstances of this case;*
iii. *It is humbly prayed that this Hon'ble Court may be pleased to dispense with filing of English translation of Vernacular Documents".*

A statement has been filed by respondent Nos. 2 and 3, where it is stated as follows:

> *"The averments in the Writ Petition are not fully correct or straight forward. There is no record of construction of building No.2/297/C (Old No.12/275/C) with the Chellanam Grama Panchayath as alleged. Though, petitioner claims*

to have been remitting building tax upto 2020 - 2021., there is no corresponding entry in the property tax registers in the Chellanam Grama Panchayath.

On account of complaints received that the particular clerk issuing building tax receipt, without proper records, the Vigilance Department had conducted a quick verification and it was found that there are about 20 - 25 cases, where the same officer was seen to have collected building tax in respect of buildings which are not seen included in the Panchayath records and it is understood that the entries are missing. It is in such circumstances that Ext.P6 letter was issued. It was not issued in isolation and it was not issued on the basis of any error in the computer data. Since the enquiry as such is ongoing. Though, Vigilance has not taken any further action in writing, it is submitted that there is no error or illegality in issuing Ext.P6, Since no other action is taken in respect to the petitioner's building and action, ifany, will be taken only after conclusion of the enquiry. No injury will be caused to the petitioner if this building is in order.

If this court so directs, these respondents can receive the tax subject to the condition that this will not confer any right on the petitioner and if wrong doing is identified or the building is found to be unauthorized, the petitioner shall himself

> *demolish the building, without raising any objection".*

In the light of the averments contained in the statement filed by respondent Nos. 2 and 3, this writ petition is closed, making it clear that if the petitioner renders any property tax in respect of the building in question, the same shall be received by the Panchayat provisionally and making it clear that this will not absolve the petitioner from any action that may be taken against him for any unauthorised construction or for any other reason. It is also made clear that if any action is proposed against the petitioner on the ground that his building is unauthorised, a proper notice shall be issued to the petitioner before any action is taken.

Sd/-
GOPINATH P.
JUDGE

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APPENDIX OF WP(C) 19287/2024

PETITIONER'S EXHIBITS

Exhibit P1	**TRUE COPY OF THE BUILDING TAX RECEIPT NO. C 3931279 DATED 28/1/2017 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P1(a)	**TRUE COPY OF THE RECEIPT NO.13914 DATED 14/12/2017 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P1(b)	**TRUE COPY OF THE RECEIPT NO. 26012 DATED 17/10/2018 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P1(c)	**TRUE COPY OF THE RECEIPT NO. 54787 DATED 11/10/2019 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P2	**TRUE COPY OF THE LAST REMITTED BUILDING TAX RECEIPT NO.16017 DATED 20/1/2021 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**
Exhibit P3	**TRUE COPY OF THE RENTED AGREEMENT DATED 1/4/2021 BY THE PETITIONER WITH THE BABY JESHMA**
Exhibit P4	**TRUE COPY OF THE LETTER DT. 24/2/2023 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT**
Exhibit P5	**TRUE COPY OF THE ACKNOWLEDGEMENT OF RECEIPT ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER**
Exhibit P6	**TRUE COPY OF THE LETTER DATED 15/3/2023 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**