

Jose Muthukulam vs the Tahsildar

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Court : Kerala

Decided On : Aug-22-2023

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/25179/2023

Appellant : Jose Muthukulam

Respondent : The Tahsildar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 22ND DAY OF AUGUST 2023 / 31ST SRAVANA, 1945
WP(C) NO. 25179 OF 2023 PETITIONER: JOSE MUTHUKULAM AGED
93 YEARS S/O. MATHAI, HOUSE NO.55/93, PLOT NO. G-124,
PANAMPILLY NAGAR, ERNAKULAM DISTRICT, COCHIN., PIN -
682036 BY ADVS. N.J.JOHNSON T.K.AJITH KUMAR K.T.SIDHIQ
HARITHA HARIDAS RESPONDENT: THE TAHSILDAR
KANAYANNOOR TALUK, PARK AVENUE, MARINE DRIVE,
ERNAKULAM, KOCHI., PIN - 682011 SMT.DEEPA NARAYANAN,
SENIOR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 22.08.2023, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 22nd day of August, 2023 The petitioner submits that the petitioner has 324 Square Metres of land comprised in Survey No.921/2-30 which was originally allotted by the Greater Cochin Development Authority under a housing scheme. It was purchased in the year 1982. The house plot is numbered as G-124 and the house is numbered as 55/931 of Cochin Corporation.

2. The petitioners land, however, remains to be

described as wetland in the Basic Tax Register and other documents. The petitioner therefore submitted a Form-A application under the Kerala Land Tax Act, 1961 seeking to make necessary changes in Revenue records. Ext.P3 application has been submitted in Form-A. The respondent- Tahsildar is not considering the said application, contends the petitioner.

3. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader representing the respondent.

4. This Court has considered the issue of allotment of

land by Government / Governmental Agencies for the purpose of Housing Schemes. In State of Kerala v. Binu Mathew Chacko [2020 (6) KHC 717], a Division Bench of this Court

held that when a statutory authority allotted plots as building

sites as per housing scheme sanctioned by the Government, it should be presumed that the Government has permitted to use the land for housing purpose, eventhough the land is paddy land. In that event, the allottees and their successors- in-interest can seek reassessment of Basic Tax on the land.

5. In view of the law laid down by the Division Bench of this Court, the respondent-Tahsildar is liable to consider

Ext.P3 application for reassessment of basic tax on the land of the petitioner and pass appropriate orders thereon to effect necessary changes in the Revenue records. The Tahsildar also should ascertain as to whether the petitioners land is one coming under a housing scheme by Government or statutory authority. Orders shall be passed within a period of two months.

The writ petition is disposed of as above. Sd/- N.NAGARESH JUDGE spk
APPENDIX OF WP(C) 25179/2023 PETITIONER EXHIBITS Exhibit -P1 TRUE
COPY OF THE JUDGMENT DATED 22.11.2019 IN W.P.(C) NO.30906/2019.
Exhibit- P2 TRUE COPY OF THE REQUEST DATED 19.6.2023 SUBMITTED
BEFORE THE RESPONDENT. Exhibit -P3 TRUE COPY OF THE FORM 'A'
APPLICATION DATED 19.6.2023.

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