

Devassy vs State of Kerala

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Court : Kerala

Decided On : Jun-17-2022

Judge : Honourable Mr. Justice T.R.Ravi

Appeal No. : WP(C)/1160/2021

Appellant : Devassy

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE T.R.RAVI FRIDAY, THE 17TH DAY OF JUNE 2022 / 27TH JYAISHTA, 1944 PETITIONER: DEVASSY AGED 64 YEARS, S/O.KUNJIPAILOTH, KALLARAKKAL HOUSE, MURINGOOR, VADAKKUMURI VILLAGE, CHALAKUDY TALUK, BY ADV N.L.BITTO RESPONDENTS: 1 STATE OF KERALA REP. BY THE SECRETARY TO THE GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE THAHASILDAR, CHALAKUDY TALUK, CIVIL STATION, CHALAKUDY, THRISSUR DISTRICT-680307. 3 THE VILLAGE OFFICER, MELOOR VILLAGE, MELOOR P.O., 4 THE REGISTRAR, REGISTRAR OFFICE,

KALLETTUMKARA, KALLETTUMKARA P.O., CHALAKUDY TALUK, THRISSUR DISTRICT-680683. SMT. DEEPA.V GOVT. PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAVI, J.

W. P. (C). No. 1160 of 2021 Dated this the 17th day of June, 2022

JUDGMENT

The grievance of the petitioner is that the basic tax with respect to 21 cents of property, regarding which he has title, is not being accepted for the reason of pendency of execution proceedings. It is well settled that pendency of the civil proceedings will not in any way affect the acceptance of tax which is only a fiscal measure. It is further submitted that execution proceedings are already over and 7 cents of property belonging to the petitioner were brought to sale and the remaining 21 cents is still available with clear title. In such circumstances, this writ petition is disposed of directing the 3rd respondent to accept the basic tax with regard to the 21 cents of property which is the remaining property of the petitioner after deducting the 7 cents of land which has already been sold in execution. Necessary orders shall be issued within one month from the date of receipt of a copy of this judgment. Sd/- T.R. RAVI JUDGE Pn APPENDIX OF WP(C) 1160/2021 PETITIONER'S EXHIBITS EXHIBIT P1 A TRUE COPY OF THE APPLICATION TO SELL 7

CENTS BY THE DECREE HOLDER AS EA.303 OF 2003 IN EP.75 OF 1995 IN EP.75 OF 2002 IN OS.369 OF 1995 OF THE SUB COURT, IRINJALAKUDA 25.2.2003. EXHIBIT P2 A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER TO SET ASIDE SALE AS EA.720 OF 2004 IN EP.75 OF 2002 IN OS.369 OF 1995 OF THE SUB COURT IRINJALAKUDA DATED 28.3.2004. EXHIBIT P3 A TRUE COPY OF THE REPLY GIVEN BY THE 3RD RESPONDENT DATED 9.10.2020.

