

Devassy vs State of Kerala

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Court : Kerala

Decided On : Jul-30-2021

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/10887/2021

Appellant : Devassy

Respondent : State of Kerala

Judgement :

WP(C) NO. 10887 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943 WP(C) NO. 10887 OF 2021 PETITIONER/S: DEVASSY, AGED 65 YEARS, S/O. JOSEPH, MALIEKKAL HOUSE, ANGAMALY P.O, PIN-683 572. BY ADVS. MOHAN JACOB GEORGE SMT.P.V.PARVATHY (P-41) SMT.REENA THOMAS SMT.NIGI GEORGE RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 039. 2 DISTRICT COLLECTOR,

OFFICE OF THE DISTRICT COLLECTOR, CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN-682 030.

3 TAHSILDAR, ALUVA TALUK OFFICE, CIVIL STATION ROAD,
ALUVA-683 101. 4 VILLAGE OFFICER, ANGAMALY VILLAGE OFFICE,
ANGAMALY MANJAPRA ROAD, ANGAMALY, PIN-683 572. 5 SMT.
T.V. JAYASREE, E129FACT HOUSING SOCIETY, UDYOPGAMANDAL
P.O, ELOOR, PIN-683 501. 6 SMT. MERINA SIMON, MALIYIL VEEDU,
MUTHIRAPADAM, ANGEL ROAD, THAIKKATTUKARA P.O, ALUVA-
683 106. WP(C) NO. 10887 OF 2021 2 *7 ADDL R7: THE
TAHSILDAR(LR), ALUVA. * ADDITIONAL 7TH RESPONDENT IS SUO
MOTU IMPEADED AS PER JUDGMENT DATED 30.07.2021. SMT K
AMMINIKUTTY, SR GP THIS WRIT PETITION (CIVIL) HAVING COME
UP FOR ADMISSION ON 30.07.2021, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING: WP(C) NO. 10887 OF 2021 3

JUDGMENT

The petitioner states that he is the absolute owner in title and possession of property having an extent of 2.43 Ares in Re-Sy.No.379/2-4 (Old Sy.No.197/4) of Angamali village. The aforesaid property was purchased by the petitioner from respondents 5 and 6 on the cover of Ext.P1 sale deed. He contends that he has effected mutation in his favour and has been remitting tax which fact is evident from Exts.P2, P2(a) and P2(b). His grievance is that when the petitioner approached the 4th respondent to remit tax for the year 2020, his request was refused. Later, he approached the 3rd respondent and filed Ext.P3 petition. However, no action was taken. It is in the afore circumstances that the petitioner is before this Court seeking directions to the 3rd respondent to consider and pass final orders in Ext.P3 application and further to allow the petitioner to pay tax in continuation to Ext.P2 series receipts.

2. Sri. Mohan Jacob George, the learned counsel appearing for the

petitioner submitted that the petitioner would be satisfied if the concerned respondent is directed to take up Ext.P3 representation and take a decision in an

expeditious manner.

3. The learned Government Pleader on instructions submits that it is for the Tahasildar (L.R.), Aluva to consider the representation and take WP(C) NO. 10887 OF 2021 4 necessary action.

4. The Tahsildar (L.R.), Aluva, is suo motu impleaded as additional 7th respondent. The Registry shall make necessary corrections to the cause

title. The learned Government Pleader shall take notice. In view of the order

that I propose to pass, notice to the respondents 5 and 6 are dispensed with.

5. Having regard to the facts and circumstances and the

submissions made across the Bar, this writ petition is disposed of directing the 3rd respondent to forward Ext.P3 representation submitted by the petitioner to the additional 7th respondent within a period of ten days from the date of receipt of a copy of this judgment. The additional 7th respondent shall then consider Ext.P3 representation with notice to the petitioner and the respondents 5 and 6 and other affected parties, if any, and take a decision expeditiously, in any event, within a period of two months from the date of production of a copy of this judgment. The petitioners shall produce a copy of the writ petition along with this

judgment before the additional 7th respondent to ensure compliance.

Sd/- RAJA VIJAYARAGHAVAN V JUDGE sru WP(C) NO. 10887 OF 2021 5
APPENDIX OF WP(C) 10887/2021 PETITIONER(S) EXHIBITS: EXHIBIT P1
COPY OF SALE DEED NO. 2105/1/2014 DATED 23.05.2014 OF ANGAMALY
SRO. EXHIBIT P2 COPY OF TAX RECEIPT DATED 20.04.2017. EXHIBIT P2(A)
COPY OF TAX RECEIPT DATED 29.01.2018. EXHIBIT P2(B) COPY OF TAX
RECEIPT DATED 22.05.2019. EXHIBIT P3 COPY OF PETITION DATED
27.05.2020 SUBMITTED BY THE PETITIONER BEFORE THE TAHSILDAR,
ALUVA. EXHIBIT P4 COPY OF NOTICE DATED 19.01.2021 OF THE

TAHSILDAR, ALUVA. EXHIBIT P5 COPY OF THE PETITION DATED 12.03.2021 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT. EXHIBIT P6 COPY OF THE COMMUNICATION DATED 19.03.2021 OF THE 3RD RESPONDENT. EXHIBIT P7 COPY OF THE COMMUNICATION DATED 08.04.2021 FURNISHING THE CORRECT ADDRESS OF RESPONDENTS 5 AND 6 TO THE 3RD RESPONDENT. EXHIBIT P7(A) COPY OF THE RECEIPT DATED 08.04.2021 ISSUED FROM THE OFFICE OF THE 3RD RESPONDENT. RESPONDENT(S) EXHIBITS: NIL

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