

(2021) 03 KL CK 0352

In the High Court Of Kerala

Case No : Writ Petition (C) No. 39735 Of 2016

Usha Venkatesh

APPELLANT

Vs

Punnapra North Grama Panchayat And Ors

RESPONDENT

Date of Decision : 29-03-2021

Acts Referred:

Citation : (2021) 03 KL CK 0352

Hon'ble Judges : Shaji P. Chaly, J

Bench : Single Bench

Advocate : C.S. Manu, S.K. Premraj

Final Decision : Disposed Of

Judgement

1. This writ petition is filed by the petitioner, who is the owner of a building bearing No.V/301A within the limits of Punnapra North Grama Panchayat, Alappuzha District seeking the following reliefs:

(1) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to receive the property tax pertaining to the building bearing No.V/301A under the Punnapra North Grama Panchayat in respect of the period 2014-15 and 2015-16 forthwith and issue receipt to the petitioner for the same.

(2) Allow the cost of the petitioner to the petitioner.

(3) Grant such other and further reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

2. According to the petitioner, petitioner had paid property tax of the building till 2013-2014. But in respect of the period 2014-2015 and 2015-2016, the Secretary of the Grama Panchayat refused to receive property tax from the petitioner on the premise that the proceedings under the Kerala Conservation of Paddy land and Wetland Act, 2008 in respect of the property in question is pending consideration. It is the case of the petitioner that as per an interim order

in W.P.(C) No.3075/2016 filed by the very same petitioner, the proceedings initiated against the petitioner as per Exhibit P3 order was stayed therein. The contention advanced is that the pendency of the proceedings initiated by the District Collector under Act, 2008 will not stand in the way of the Panchayat receiving the property tax of the building in question.

3. Anyhow, on the failure on the part of the Secretary of the Grama Panchayat to receive the property tax, petitioner has submitted Exhibit P5 representation before the Secretary of the Grama Panchayat, which was pending consideration. Probably in order to sort out the issue, as per order dated 14.12.2016, a learned Single Judge of this Court directed the petitioner to implead the Local Level Monitoring Committee under the Act, 2008 within a period of one week. I do not think petitioner has taken steps to implead the Local Level Monitoring Committee. Anyhow almost 5 years have elapsed since the filing of the writ petition and it was remaining without securing any interim orders.

4. Therefore, after having heard Sri.Ananthu Sathish, representing the learned counsel for petitioner on record Sri. C.S.Manu, the writ petition is disposed of, directing the 2nd respondent Grama Panchayat, to take up Exhibit.P5 i.e., the Secretary of the Punnapppra representation submitted for and on behalf of the petitioner, and consider the same in accordance with law, as if a representation submitted by the petitioner, at the earliest possible time and at any rate within one month from the date of receipt of a copy of this judgment, after providing notice of hearing to the petitioner. I also make it clear that if already the issue raised in this writ petition was sorted out and tax was accepted, under no circumstances the proceedings shall be re-opened and the directions contained above accordingly would stand vacated.