

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN**

**Wednesday, the 26th day of November 2025 / 5th Agrahayana, 1947
WP(C) NO. 4476 OF 2023(H)**

PETITIONERS:

1. THE BHOO SAMRAKSHANA SAMITHY, VELANKANNI MATHA BUILDING, MUNAMBAM, REPRESENTED BY ITS PRESIDENT, JOSEPH P.R., S/O.ROCKY, AGED 60 YEARS, PALAKKAL HOUSE, PALLIPORT P.O., ERNAKULAM, PIN - 683 315.
2. C.D.SUNIL, S/O.DEVASSY, AGED 52 YEARS, CHOOOTHAMPARMABIL, PALLIPORT P.O., ERNAKULAM, PIN - 683 315.
3. SEBASTAIN JOSEPH, S/O.JOSEPH, AGED 43 YEARS, THAYYIL HOUSE, PALLIPORT P.O., ERNAKULAM, PIN - 683 315.
4. PRADEEP M.G., S/O.GOPALAN, AGED 61 YEARS, MUTHANDASSERY HOUSE, JANAHITHA BEACH ROAD, PALLIPORT P.O., ERNAKULAM, PIN - 683 315.
5. VARGHESE, S/O.JOSEPH, AGED 43 YEARS, PANAKKAL HOUSE, PALLIPORT P.O., ERNAKULAM, PIN - 683 315.

RESPONDENTS:

1. THE DISTRICT COLLECTOR, CIVIL STATION, ERNAKULAM, PIN-682 030.
2. THE TAHSILDAR, (LR) KOCHI TALUK OFFICE, KOCHI, ERNAKULAM DISTRICT, PIN - 683 101.
3. THE VILLAGE OFFICER, KUZHUPPILLY VILLAGE, ERNAKULAM DISTRICT, PIN - 683 501.
4. THE KERALA STATE WAKF BOARD, V.I.P ROAD, KALOOR, ERNAKULAM DISTRICT, PIN - 682 017, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.
5. THE SECRETARY, FAROOK COLLEGE MANAGING COMMITTEE, FAROKE COLLEGE P.O., KOZHIKODE, PIN - 673 632.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 1st and 2nd respondents accept the tax in respect of the respective properties of the petitioners and effect mutation, transfer, issuance of encumbrance certificate and also effecting changes in Tandaper register, etc. in relation to the property situated in Kuzhuppilly Village covered by document No. 2115/1950 of SRO Edappally, in the interest of justice, pending final disposal of this Writ Petition (Civil).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 19-11-2025 and upon hearing the arguments of M/S.KRISHNAN UNNI(SENIOR),O.D.SIVADAS & VINAYA V.NAIR, Advocates for the petitioners, PUBLIC PROSECUTOR & SRI.ASHWIN SETHUMADHAVAN, SENIOR GOVERNMENT PLEADER for R1 to R3,Sri.JAMSHEED HAFIZ, STANDING COUNSEL for R4 and of M/S.MAYANKUTTY MATHER K.I. & T.K.SREEKALA, Advocates for R5, the court passed the following:



C.JAYACHANDRAN, J.

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W.P.(C).Nos.12121 & 36063/2022, 3411, 4476, 4789 & 15238 of 2023

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Dated this the 26th day of November, 2025

O R D E R

In W.P.(C) No.4476 of 2023, the main prayer is for issuance of a mandamus commanding respondents 1 and 2 to issue necessary orders accepting land tax in respect of the respective properties of the petitioners, along with such other reliefs, for effecting mutation, transfer of properties, issuance of encumbrance certificate etc. To the same effect is the prayer made by the State in I.A.No.1/2025 in W.P.(C) No.36063/2022, that is to say, to enable acceptance of land tax.

2. Heard Sri.T.Krishnanunni, learned Senior Counsel, duly instructed by Adv. O.D.Sivadas on behalf of the petitioners in W.P.(C) No.4476/2023; Sri.Gopalakrishna Kurup, learned Advocate General on behalf of the State in I.A.No.1/2025 in W.P.(C) No.36063/2022; Sri. P.Chandrasekhar, learned counsel for the petitioners in W.P.(C) No.36063/2022 and Sri.Jamsheed

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Hafiz, learned Standing Counsel, on behalf of the Kerala State Waqf Board. Perused the records.

3. Learned Senior Counsel for the petitioners would submit that an Interim Order permitting acceptance of land tax be issued by this Court, in the wake of the judgment of a Division Bench in *State of Kerala v. T.K.I.Ahamed Sharief* [2025 (5) KLT 797], wherein the rights of the petitioners are recognised. This argument was fully supported by the learned Advocate General and it was pointed out that the issue is a burning one and several persons, who belong to the fisherman community, will remain affected, unless land tax is permitted to be accepted. This was seriously opposed by the learned counsel for the petitioners in W.P.(C).No.36063 of 2022. It was specifically pointed out by the learned counsel that a challenge has been carried to the Hon'ble Supreme Court from the judgment in *T.K.I.Ahamed Sharief* (supra) and the same will come up for admission, sooner than later. Learned counsel would not, however, oppose the prayer for acceptance of land tax provisionally, if the same is made subject to the result of the outcome of the proceedings before the Hon'ble Supreme Court, as also, in the instant Writ Petitions. No objection, other than the one referred above, is raised by

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any of the parties as regards the course suggested by the learned Senior Counsel.

4. In the circumstances, there will be a direction to respondents 1 to 3, namely the District Collector, the Tahsildar and the Village Officer concerned, to accept tax from the petitioners in W.P.(C).No.4476/2023 and similarly placed persons (who are beneficiaries of I.A.No.1/2025 in W.P.(C).No.36063 of 2022 being allowed hereby), provisionally, subject to the result of the proceeding pending before the Hon'ble Supreme Court, as also, W.P.(C).Nos.12121/2022, 3411/2023, 4476/2023, 4789/2023, 15238/2023 and 36063/2022.

Let the matter be posted on 17.12.2025 for further consideration.

Sd/-

C.JAYACHANDRAN
JUDGE

SAS