

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.M.JOSEPH  
&  
THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 30TH DAY OF NOVEMBER 2012/9TH AGRAHAYANA 1934

WA.No. 2091 of 2012  
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AGAINST THE JUDGMENT DATED 06-11-2012 IN WPC.25418/2012

APPELLANT(S)/PETITIONERS:  
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1. SAYED ABDUL KADER BAFAKYH, AGED 58 YEARS  
S/O.LATE SAYED HAMEED BAFAKYH, FABI, GURUKRIPA LANE  
AZAD ROAD, KALOOR, KOCHI-682017.
2. DAVIS JOHNY, AGED 64 YEARS  
S/O.JOHNY DAVIS, 1-B, KATTICARAN TOWERS  
OFF PROVIDENCE ROAD, ERNAKULAM-682018.

BY ADVS.SRI.R.SUDHISH  
SMT.M.MANJU  
SRI.K.R.RANJITH

RESPONDENT(S)/RESPONDENTS:  
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1. THE SECRETARY  
GREATER COCHIN DEVELOPMENT AUTHORITY, KADAVANTHRA  
ERNAKULAM-682020.
2. THE CORPORATION OF COCHIN  
REPRESENTED BY ITS SECRETARY, CORPORATION OFFICER  
ERNAKULAM-682011.
3. THE SECRETARY TO GOVERNMENT  
LOCAL ADMINISTRATION DEPARTMENT  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

BY ADV. SRI.N.RAVINDREN ACHARY,SC,COCHIN CORPN.  
BY GOVERNMENT PLEADER  
BY SRI.P.K.SOYUZ,SC,COCHIN CORPORATION  
BY SRI.JOY GEORGE, GREATER COCHIN DEVELOPMENT AUTHORITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-11-2012,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA.No. 2091 of 2012 IN WPC/25418/2012

APPENDIX

PETITIONERS' ANNEXURE:

A1 : COPY OF THE LEASE DEED EXECUTED ON 24.10.2011.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A TO JUDGE.

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**K. M. JOSEPH & K. HARILAL, JJ.**

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**W. A. NO. 2091 OF 2012**  
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**Dated this the 30th November, 2012**

**JUDGMENT**

**K.M. Joseph, J.**

Petitioners are the appellants. They challenged the levy of building tax from them contending that they are lessees under the first respondent.

2. The learned Single Judge did not find merit in their argument, noting that the agreements provide that the lessees shall pay all taxes and, therefore, the appellants have a liability to pay tax under the Building Tax Rules. However, we note that the appellants at this stage sought time for payment. Accepting the request of the appellants, the learned Single Judge granted instalment facility.

3. We heard the learned counsel for the appellants. Learned counsel for the appellants seeks to argue the merits of the matter. We feel that the appellants should be relegated to file a Review

Petition, if so advised. Without prejudice to the right of the appellants to seek review before the learned Single Judge, the Writ Appeal is disposed of.

**Sd/=**  
**K. M. JOSEPH,**  
**JUDGE**

**Sd/=**  
**K. HARILAL,**  
**JUDGE**

**kbk.**

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