

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WA.No. 1167 of 2009 ()

WP(C) 6317/2009 of THIS HONOURABLE COURT

APPELLANTS/RESPONDENTS 1 & 2 IN WPC :

- 1. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, MUKUNDAPURAM TALUK.**
- 2. THE VILLAGE OFFICER, KALLOOR THEKKUMURI
VILLAGE, ANNAMANNADA.**

BY GOVERNMENT PLEADER SRI. P.I.DAVIS

RESPONDENTS/PETITIONER :

- 1. K.K.THANKAPPAN, S/O. K.K.KANNAN,
KOCHUNKUNNIL HOUSE, ANNAMANNADA DESOM, KALLOOR,
THEKKUMURI VILLAGE, KUKUNDAPURAM TALUK.**
- 2. THE PROJECT OFFICER, DISTRICT KHADI
AND VILLAGE INDUSTRIES OFFICE, PALACE ROAD,
THRISSUR-680012.**
- 3. THE SECRETARY KERALA KHADI AND VILLAGE
INDUSTRIES BOARD, THIRUVANANTHAPURAM**

R1 BY ADV. SRI.FRANCO T.J.

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

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Dated this the 28th day of January, 2015

JUDGMENT

A.M.Shaffique, J.

This appeal is filed by respondents 1 and 2 against the judgment dated 28.02.2009 in Writ Petition No.6317 of 2009. The writ petition is filed by the respondent herein challenging Exts.P3 and P4 revenue recovery notices and for a direction to respondents 1 and 2 to accept payments as per Exts.P6 to P15 made towards the loan transaction. Further, the petitioner sought for directing to respondents 3 and 4 to take decision on the one time settlement proposal submitted as Ext.P17.

2. The learned Single Judge, however, was not inclined to issue the directions as sought for. But, the petitioner was given the facility to pay the balance amount due in ten equal monthly instalments. It was also

mentioned that the petitioner need not pay any collection charges. The appeal is filed only against the direction of the learned Single Judge indicating that the petitioner need not pay collection charges.

3. The learned counsel appearing for the respondents submits that the instalment as directed has already been remitted and therefore, the writ petitioner has no obligation to pay collection charges.

4. As per Rule 5(3) of the Kerala Revenue Recovery Rules, 1968, if the payment is made after revenue recovery proceedings are initiated and if the payment is directly made to the requisitioning authority, there will be an obligation to pay 1% of the amount involved in the matter as collection charges to the said authority. Being a statutory obligation the same cannot be waived.

5. Therefore, we are of the view that the

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petitioner is liable to pay collection charge, in terms of Rule 5(3) of the Rules.

The judgment of the learned Single Judge, to that extent, is therefore set aside.

The writ appeal is disposed of accordingly.

Sd/-
**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

Sd/-
**A.M. SHAFFIQUE
JUDGE**

das