

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 1562 of 2012 (U)

PETITIONER(S):

**PRABHA. O., AGED 42 YEARS,
SRIMANGALATHU VEEDU, ACHANKOVIL P.O.,
PRIAVANTHUR VIA., KOLLAM-689 696.**

**BY ADVS.SRI.V.V.ASOKAN,
SMT.M.RAMANYA GAYATHRI.**

RESPONDENT(S):

- 1. CHIEF CONSERVATOR OF FORESTS,
FOREST HEAD QUARTERS,
THIRUVANANTHAPURAM-695 001.**
- 2. TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, PATHANAPURAM,
PUNALLOOR, KOLLAM-691 332.**
- 3. DISTRICT COLLECTOR,
KOLLAM-691 001.**
- 4. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SMT.M.T. SHEEBA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 1562 of 2012 (U)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PLAINT FILED BY OMANA, PRAVEENAN P. AND
PRADEPAN P., DATED 09/09/2004.
- EXT.P2 COPY OF THE JUDGMENT IN O.S.307/2004 DATED 30/01/2009.
- EXT.P3 COPY OF THE SALE DEED NO.5889/1995 DATED 23/12/1995.
- EXT.P4 COPY OF THE ATTACHMENT NOTICE ISSUED BY THE
2ND RESPONDENT DATED 30/12/2011.
- EXT.P5 COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER
DATED 10/01/2012.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.1562 of 2012

Dated this the 14th day of July, 2015

JUDGMENT

The petitioner has approached this Court challenging the revenue recovery proceedings.

2. Admittedly, the revenue recovery proceedings are initiated to recover the forest dues from one late Mr.Prabhakaran. The petitioner is one of the legal heirs of late Mr.Prabhakaran. The petitioner's case is that the property now being proceeded is a personal property and therefore, no recovery proceedings can be initiated against her. The property in the subject matter is situated in Survey No.350/12 in Pathanapuram Taluk, Aryankavu Village, Kollam District having an extent of 40.47 ares. The petitioner, in fact, raised a grievance before the respondents by Ext.P5.

3. In this matter, counter affidavits have been filed by 3rd and 4th respondents. It is stated in the counter affidavits that it is for the petitioner to establish the property is a personal property belongs to her. Further, it is averred that the respondents are

competent to recover the loss sustained from the legal heirs of the original defaulter.

This Court is of the view that Ext.P5 has to be considered by the District Collector treating as an objection in terms of Section 34 of the Revenue Recovery Act. The petitioner shall make available all her title deeds in respect of the property situated in Survey No.350/12 to substantiate her claim before the District Collector, i.e., the personal property and not inherited from the defaulter. The District Collector, after conducting necessary enquiry, pass appropriate orders within three months. The revenue recovery proceedings, if any, in future would depend upon the decision of the District Collector.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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