

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 2784 of 2009 (F)

PETITIONER:

CHIRAKKADAVU GRAMA PANCHAYATH,
PONKUNNAM.P.O, KOTTAYAM,
REPRESENTED BY ITS SECRETARY.

BY ADVS. SRI. V.G. ARUN
SRI. T.R. HARIKUMAR

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOTTAYAM.
2. THE SPECIAL TAHSILDAR (REVENUE
RECOVERY), KANJIRAPPALLY, KOTTAYAM.
3. THE VILLAGE OFFICER,
CHIRAKKADAVU VILLAGE,
KANJIRAPPALLY.
4. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, KANJIRAPPALLY.
5. KERALA STATE ELECTRICITY BOARD,
TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

R4-R5 BY ADV. SRI. P. SANTHALINGAM (SR.)
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE DEMAND NOTICE DATED 30.06.2008.
- EXHIBIT P1(a) : TRUE COPY OF THE DEMAND NOTICE DATED 30.06.2008.
- EXHIBIT P1(b) : TRUE COPY OF THE DEMAND NOTICE DATED 30.06.2008.
- EXHIBIT P1(c) : TRUE COPY OF THE DEMAND NOTICE DATED 30.06.2008.
- EXHIBIT P2 : TRUE COPY OF THE REQUEST DATED 17.07.2008.
- EXHIBIT P3 : TRUE COPY OF THE REQUEST DATED 17.07.2008.
- EXHIBIT P4 : TRUE COPY OF THE LETTER DATED 26.07.2008.
- EXHIBIT P5 : TRUE COPY OF THE DEMAND NOTICE DATED 08.08.2009.
- EXHIBIT P6 : TRUE COPY OF THE LETTER DATED 05.09.2008.
- EXHIBIT P7 : TRUE COPY OF THE REQUEST DATED 05.09.2008.
- EXHIBIT P8 : TRUE COPY OF THE DEMAND NOTICE DATED 31.07.2008.
- EXHIBIT P9 : TRUE COPY OF THE REQUEST DATED 05.09.2008.

RESPONDENT(S) EXHIBITS

- ANNEXURE R4(a) : PHOTOCOPY OF THE POSTALACKNOWLEDGMENT CARD.
- ANNEXURE R4(b) : PHOTOCOPY OF THE POSTALACKNOWLEDGMENT CARD.
- ANNEXURE R4(c) : PHOTOCOPY OF THE POSTALACKNOWLEDGMENT CARD.
- ANNEXURE R4(d) : PHOTOCOPY OF THE LETTER DATED 24.07.2008 SENT BY THE EXECUTIVE ENGINEER TO THE PETITIONER.
- ANNEXURE R4(e) : PHOTOCOPY OF THE LETTER DATED 31.07.2008 SENT BY THE EXECUTIVE ENGINEER TO THE PETITIONER.

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ANNEXURE R4(f) : PHOTOCOPY OF THE POSTALACKNOWLEDGMENT CARD.
ANNEXURE R4(g) : PHOTOCOPY OF THE POSTALACKNOWLEDGMENT CARD.
ANNEXURE R4(h) : PHOTOCOPY OF THE REPLY GIVEN BY THE RESPONDENT
TO THE PETITIONER.
ANNEXURE R4(i) : PHOTOCOPY OF THE LETTER DATED 20.01.2009 OF THE
RESPONDENT

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 21st day of May, 2015

JUDGMENT

Exts. P1, P5 and P8 notices issued under the Kerala Revenue Recovery Act are impugned. The complaint of the petitioner panchayat is that the said notices are not preceded by proper electricity bills.

2. The Kerala State Electricity Board maintains that the petitioner did not turn up for the electricity adalath held during February, 2009. The fact remains that the petitioner is in dark about the period and the details of the consumer while meeting the demand.

3. I direct the fourth respondent to issue a consolidated electricity bill to the petitioner within three weeks. The bill shall give the details as regards the consumer number as well as the period for which the demand is made. The actual amount arrived at on various counts shall also be reflected in the notice.

4. The revenue recovery proceedings pursuant to Exts.P1, P5 and P8 notices shall be put on hold for a period of

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one month. The same can continue dependent on the amount due under the revised bills to be issued.

5. The sum of ₹25,000/-(Rupees Twenty five thousand only) already deposited by the petitioner pursuant to the interim order in this writ petition shall ofcourse be given credit to. The petitioner panchayat is also free to challenge the revised bill on its receipt before the appropriate forum as per law.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd