

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WA.No. 1453 of 2015 () IN WP(C).6355/2012

AGAINST THE JUDGMENT IN WP(C) 6355/2012 DATED 10-03-2014

APPELLANT(S)/WRIT PETITIONER :-

SHAJPRASANTH K.A. AGED 44 YEARS
S/O.RAMACHANDRAN, RESIDING AT 'HARISREE'
UPPAYICAL P.O., AZHIKODE, KANNUR

BY ADVS.SRI.N.M.MADHU
SMT.C.S.RAJANI

RESPONDENT(S)/RESPONDENTS :-

1. THE DISTRICT COLLECTOR
COLLECTORATE, KANNUR-670 002.
2. THE SPECIAL DEPUTY TAHSILDAR
(REVENUE RECOVERY), KANNUR-670 002.
3. THE PUNJAB NATIONAL BANK
REPRESENTED BY ITS BRANCH MANAGER, CAMP BAZAR BRANCH
KANNUR-670 001.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
R3 BY SRI.K.P.SUDHEER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WA.No.1453 OF 2015

APPENDIX

APPELLANT'S EXHIBITS :-

ANNEXURE A :- TRUE COPY OF THE DISCHARGE SUMMARY FROM 9.1.2015 TO 16.1.2015 ISSUED BY THE PARIYARAM MEDICAL COLLEGE HOSPITAL.

ANNEXURE B :- TRUE COPY OF THE DISCHARGE SUMMARY FROM 22.3.2015 TO 26.3.2015 ISSUED BY THE PARIYARAM MEDICAL COLLEGE HOSPITAL.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1453 of 2015

Dated this the 15th day of July 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondents.

2. This writ appeal has been filed against the judgment dated 10.3.2014 in W.P.(C) No.6355 of 2012, by which, the learned Single Judge dismissed the writ petition filed by the appellant. The appellant had filed the writ petition challenging the revenue recovery proceedings initiated by Ext.P1, demanding the Bank dues. The learned Single Judge disposed of the writ petition permitting the petitioner to deposit the entire amount with interest in five equal monthly instalments and on default of any of the instalment, the Bank may proceed with the recovery. There was also a finding that revenue recovery proceedings were initiated by the District Collector within time.

3. Learned counsel for the appellant, challenging the judgment, submits that the revenue recovery was barred by time and hence, it ought to be set aside. He further submits that the petitioner has not signed in the letter of renewal.

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4. On a perusal of requisition for recovery dated 29.11.2010, which is brought on record as Ext.R3(d), it is clear that the agreement was entered on 21.2.2005 permitting the petitioner to pay off the entire dues in 60 instalments, starting after six months. We do not find any error in the finding of the learned Single Judge that the revenue recovery proceedings were initiated within time. The appellant submits that the recovery was barred by time. This cannot be accepted. In so far as the denial of signature by the petitioner on the renewal certificate is concerned, we are of the view that the said issue cannot be gone into in a writ proceeding.

Accordingly, the writ appeal is dismissed. However, we provide that if the petitioner pays the entire dues in three equal monthly instalments, starting from the month of August, 2015, the recovery shall be kept in abeyance. If any default is committed in payment as aforesaid, revenue recovery proceedings shall continue.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE