

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937**

**WP(C).No.165 of 2015 (U)**  
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**PETITIONER:**  
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**PRADEEP.E,AGED 32 YEARS,S/O.EBENSEER,  
MANALIVILAPUTHEN VEEDU,AMACHAL,  
KATTAKADA,THIRUVANANTHAPURAM.**

**BY ADV.SRI.S.SACHITHANANDA PAI**

**RESPONDENTS:**  
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- 1. THE TAHSILDAR,REVENUE RECOVERY,KATTAKADA,  
THIRUVANANTHAPURAM-695572.**
- 2. DENA BANK,RAJADHANI BUILDING,EAST FORT,  
REP.BY ITS SENIOR MANAGER,  
THIRUVANANTHAPURAM-695023.**

**R1 BY GOVERNMENT PLEADER SRI.SAIDALAVI K.K  
R2 BY ADVS.SRI.PHILIP T.VARGHESE  
SRI.THOMAS T.VARGHESE  
SMT.ACHU SUBHA ABRAHAM  
SMT.K.R.MONISHA  
SRI.BOBY C. BABY  
SRI.ANOOP BHASKAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**pk**

**WP(C).No.165 of 2015 (U)**  
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**APPENDIX**

**PETITIONER'S EXHIBITS:**  
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**EXHIBIT-P1: COPY OF THE NOTICE DATED 01.12.2014 UNDER 7 OF THE REVENUE  
RECOVERY ACT ISSUED TO THE PETITIONER.**

**EXHIBIT-P2: COPY OF THE NOTICE DATED 01.12.2014 UNDER SECTION 34 OF  
THE REVENUE RECOVERY ACT ISSUED TO THE PETITIONER.**

**RESPONDENT'S EXHIBITS:** **NIL**  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C). No. 165 of 2015**  
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**Dated this the 1<sup>st</sup> day of April, 2015**

**JUDGMENT**

The challenge in the writ petition is against Exts.P1 and P2 notices that have been served on the petitioner for recovery of loan amounts that are due from the petitioner to the 2<sup>nd</sup> respondent bank. The challenge in the writ petition, against Exts.P1 and P2 notices, is that the said notices do not contain any of the details that are required to be contained in notices issued under the Revenue Recovery Act, so as to enable the petitioner to gather the identity and description of the land that was sought to be proceeded against.

2. I have heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondent bank and also the learned Government Pleader appearing for the 1<sup>st</sup> respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that Exts.P1 and P2 notices, that have been issued under the Kerala Revenue Recovery Act, are patently illegal, inasmuch as, although the form of the notice is correct, the contents in the said notices do not

reveal the description of the land that is sought to be proceeded against in connection with the attachment proceedings that are contemplated therein. In that view of the matter, the petitioner cannot be proceeded against pursuant to Exts.P1 and P2 notices. Accordingly, I quash Exts.P1 and P2 notices, and allow the writ petition, making it clear that, nothing in this judgment will prevent the respondents from initiating any action against the petitioner, in the event of a default committed by the petitioner, in accordance with the provisions of the Kerala Revenue Recovery Act.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**