

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 1783 of 2015 (W)

PETITIONER:

**MUHAMMED PANDIKASALA, AGED 48 YEARS,
S/O.ALIKUTTY, PANDIKASALA HOUSE, KALLIKKOLKUNDU,
KADAPADY, PERUVALLUR, TIRURANGADI,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENTS:

- 1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TIRURANGADI, MALAPPURAM DISTRICT, PIN-676 306.**
- 2. THE NEW INDIA ASSURANCE COMPANY LTD,
SHAFEER COMPLEX, OPP:YWCA, KANNUR ROAD,
KOZHIKODE, PIN-673 001.**
- 3. THE TAHSILDAR,
TIRURANGADI, MALAPPURAM DISTRICT, PIN-676 306.**

**R1 & R3 BY GOVERNMENT PLEADER SRI.S.SUDHEESH KUMAR
R2 BY SRI.A.A.ZIYAD RAHMAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 1783 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF THE COMMON JUDGMENT IN O.P.(MV)NO.993/2006 &
 CONNECTED CASES OF THE M.A.C.T., OTTAPALAM DATED, 10.5.2010**

**EXT.P2(A) TO P2(P):- TRUE COPIES OF THE NOTICES UNDER SECTION 7 OF THE
 REVENUE RECOVERY ACT ISSUED TO THE PETITIONER BY
 THE FIRST RESPONDENT**

**EXT.P3 TRUE COPY OF THE ORDER DATED, 19-9-2014 IN W.P(C).NO.16307/2014
 OF THIS HON'BLE COURT**

**EXT.P4 TRUE COPY OF THE SALE NOTICE DATED, 12-12-2014 ISSUED TO THE
 PETITIONER BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.1783 of 2015

.....
Dated this the 19th day of February, 2015

J U D G M E N T

The petitioner who is the 1st respondent in 16 OP(MV) cases before the MACT, Ottapalam, is aggrieved by the revenue recovery notices that have been served on him for recovery of the amounts confirmed against him in the said OP(MV) cases. It is the case of the petitioner that the award of the OP(MV) cases was passed by the MACT, Ottapalam, ex parte and he came to know of the passing of the award only subsequently. It is his case that on coming to know of the ex parte award, he has filed separate interlocutory applications in the various OP(MV)s for setting aside the ex parte order, staying revenue recovery proceedings and for condoning the delay in filing the applications, the details of which are as follows:

I.A.No.3963/2014, I.A.No.3964/2014 and I.A.No.3962/2014 in O.P.(M.V)No.993/2006, I.A.No.3966/2014, I.A.No.3967/2014 and I.A.No.3965/2014 in O.P.(M.V)No.994/2006, I.A.No.3969/2014, I.A.No.3970/2014 and I.A.No.3968/2014 in O.P.(M.V)No.995/2006, I.A.No.3972/2014, I.A.No.3973/2014 and I.A.No.3971/2014 in O.P. (M.V)No.1020/2006, I.A.No.3975/2014, I.A.No.3976/2014 and I.A.No.3974/2014 in O.P.(M.V)No.1021/2006, I.A.No.3978/2014, I.A.No.3979/2014 and I.A.No.3977/2014 in O.P.(M.V)

No.1022/2006, I.A.No.3981/2014, I.A.No.3982/2014 and I.A.No.3980/2014 in O.P.(M.V)No.1210/2006, I.A.No.3936/2014, I.A.No.3937/2014 and I.A.No.3935/2014 in O.P.(M.V)No.27/2007, I.A.No.3939/2014, I.A.No.3940/2014 and I.A.No.3938/2014 in O.P.(M.V)No.28/2007, I.A.No.3942/2014, I.A.No.3943/2014 and I.A.No.3941/2014 in O.P.(M.V)No.46/2007, I.A.No.3945/2014, I.A.No.3946/2014 and I.A.No.3944/2014 in O.P.(M.V)No.49/2007, I.A.No.3948/2014, I.A.No.3949/2014 and I.A.No.3947/2014 in O.P.(M.V)No.50/2007, I.A.No.3951/2014, I.A.No.3952/2014 and I.A.No.3950/2014 in O.P.(M.V)No.117/2007, I.A.No.3954/2014, I.A.No.3955/2014 and I.A.No.3953/2014 in O.P.(M.V)No.118/2007, I.A.No.3957/2014, I.A.No.3958/2014 and I.A.No.3956/2014 in O.P.(M.V)No.121/2007, I.A.No.3960/2014, I.A.No.3961/2014 and I.A.No.3959/2014 in O.P.(M.V)No.341/2007.

2. In the writ petition, the limited prayer of the petitioner is for a direction to the MACT, Ottapalam, to consider and pass orders on the said interlocutory applications, and to keep the revenue recovery proceedings initiated against him through Exts.P2(a) to P2(p) notices and further proceedings pursuant to Ext.P4 sale notice, in abeyance till such time as the MACT, Ottapalam, passes orders in the various interlocutory applications that have been filed by the petitioner.

3. I have heard Sri.Babu S.Nair, the learned counsel for the petitioner and Sri.S.Sudheesh Kumar, the learned Government Pleader for the respondents 1 and 3.

4. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with the following directions:

i. The MACT, Ottapalam shall consider and pass orders in the interlocutory applications referred to above within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.

ii. Revenue recovery proceedings initiated against the petitioner by Exts.P2(a) to P2(p), including further proceedings pursuant to Ext.P4 sale notice, shall be kept in abeyance till such time as orders are passed by the MACT, Ottapalam, as directed above and communicated to the petitioner.

Writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

