

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 2339 of 2015 (N)

PETITIONER(S):

- 1. VAHEEDA, AGED 43 YEARS
W/O. K.A.SHAMSUDHIN, 4-C, FORT AVENUE
KUNNATHURMEDU POST, PALAKKAD.**
- 2. SHEIK MEERAN, AGED 26 YEARS
S/O. K.A.SHAMSUDHIN, 3-D, FORT AVENUE
KUNNATHURMEDU POST, PALAKKAD.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S):

- 1. SPECIAL DEPUTY TAHSILDAR (RR)
OFFICE OF THE SPECIAL DEPUTY TAHSILDAR
PALAKKAD II BRANCH, P.B.NO.46, OPPOSITE AROMA THEATRE
PALAKKAD-678 001.**
- 2. MANAGING DIRECTOR
KERALA STATE FINANCIAL ENTERPRISES
THRISSUR-680 001.**
- 3. PRABHAKAR
S/O. SUNDARESWARAN, FLAT NO.501, BUILDING NO.2
ACME HARMONY, POONAM NAGAR, ANDHERI EAST
MUMBAI-400 093.**
- 4. KEERTHIREKHA , AGED 36 YEARS
W/O. PRABHAKAR, FLAT NO.501, BUILDING NO.2
ACME HARMONY, POONAM NAGAR, ANDHERI EAST
MUMBAI-400 093.**
- 5. THE SECRETARY
DEPARTMENT OF FINANCE, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

**R BY GOVERNMENT PLEADER SMT.LILLY.K.T.
R BY SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL ENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : COPY OF THE MEDICAL CERTIFICATE OBTAINED FROM THE GOVERNMENT MENTAL HEALTH CENTRE, THRISSUR DTD.16.4.2013.

EXT.P2 : COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTIES UNDER SEC.49(2) OF THE REVENUE RECOVERY ACT ISSUED TO THE 1ST PETITIONER.

EXT.P3 : COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTIES UNDER SEC.49(2) OF THE REVENUE RECOVERY ACT ISSUED TO THE 2ND PETITIONER.

EXT.P4 : COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTIES UNDER SEC.49(2) OF THE REVENUE RECOVERY ACT ISSUED TO THE 2ND PETITIONER.

EXT.P5 : COPY OF THE REPRESENTATION FILED BEFORE THE MINISTER FOR FINANCE DTD.7.1.2015 ALONG WITH RECEIPT ISSUED BY THE OFFICE OF THE MINISTER.

EXT.P5(A) : COPY OF THE REPRESENTATION FILED BEFORE THE DISTRICT COLLECTOR, DTD.7.1.2015.

EXT.P5(B) : COPY OF THE REPRESENTATION FILED BEFORE THE 2ND RESPONDENT DTD.7.1.2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.2339 OF 2015 (N)

Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioners have approached this Court through the present writ petition seeking to quash Exts.P2, P3 and P4 notices that were issued under the Revenue Recovery Act. Although the petitioners pray for a facility of repayment in installments, I note that the petitioners had earlier approached this Court through W.P.(C). No.30263/2012, which was disposed by judgment dated 19.6.2013. In paragraph 9 of the writ petition, while the petitioners refer to W.P.(C). No.30263/2012, there is nothing stated therein as regards the prayers that were sought for in the writ petition, and how this Court dealt with the said prayers while disposing the said writ petition. Further, it is now understood that, against the judgment in the writ petition, the petitioners had taken up the matter before the Division Bench through a Writ Appeal, which was also dismissed. The fact of dismissal of the Writ Appeal is not mentioned in the writ petition. Under these circumstances, I am of the view that the petitioners are not entitled to any discretionary relief from this Court in proceedings under Article

226 of the Constitution of India. Accordingly, I dismiss the writ petition as not maintainable.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp