IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 8057 of 2009 (B)

PETITIONER(S):

V.P.SAIDHU MUHAMMAD,
S/O.LATE M.A.MUHAMMAD, AGED 52 YEARS,
RESIDING AT VATTAKAPPARA HOUSE, VARIKKANI KARA,
ERUMELI NORTH VILLAGE,
KANJIRAPPILLY TALUK.

BY ADVS.SRI.S.K.AJAY KUMAR,
SMT.PRIYA H.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
CIVIL STATION, KOTTAYAM.

2. THE DEPUTY TAHSILDAR,
KANJIRAPPILLY.

3. THE VILLAGE OFFICER,
ERUMELI NORTH VILLAGE, KANJIRAPPILLY TALUK.

4. THE SECRETARY,
MUNDAKKAYAM GRAMA PANCHAYATH,
MUNDAKKAYAM, KOTTAYAM DISTRICT.

R4 BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL,
R4 BY ADV. SRI.P.JAYAKRISHNA KAIMAL &
BY GOVERNMENT PLEADER SRI.R.RENJITH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

## APPENDIX

**PETITIONER(S)' EXHIBITS :**

**EXHIBIT-P1:** TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 20/01/2009.

**EXHIBIT-P2:** TRUE COPY OF THE AGREEMENT DATED 27/01/2000 EXECUTED BETWEEN THE PETITIONER AND THE PANCHAYATH.

**EXHIBIT-P3:** TRUE COPY OF THE NOTICE DATED 09/11/2007 ISSUED BY THE 4TH RESPONDENT.

**EXHIBIT-P4:** TRUE COPY OF THE REPLY DATED 22/11/2007.

**RESPONDENT(S)' EXHIBITS :**

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

**A.MUHAMED MUSTAQUE, J.**

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W.P.(C) No.8057 of 2009

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Dated this the 26th day of May, 2015

# JUDGMENT

The petitioner has approached this Court challenging the Revenue Recovery Proceedings. The demand is for Rs.52,676/- towards Panchayath dues.

2. The Government have filed a counter affidavit stating that it was at the instance of the Panchayath, being a requisition authority, the Revenue Recovery Proceedings are initiated.

3. The petitioner's case is that he had supplied building materials for Panchayath based on quotation and received the amount based on the quotation and therefore, he cannot be saddled with any liability. The Panchayath initiated an action against the petitioner on the ground that the amount paid to the petitioner was in excess.

4. In this matter, the Panchayath have not entered appearance and filed any counter affidavit. Therefore, the petitioner's case has to be believed; if the petitioner obtained any amount from the Panchayath based on the quotation for supply, the petitioner cannot be made liable for any amount found to be excess based on audit objection. If at all any irregularity i.e., irregularity is on account of acceptance of the quotation by the Panchayath. In that view of the matter, Revenue Recovery proceedings against the petitioner are quashed.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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