IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No.4988 of 2015 (W)

PETITIONER'S:

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1. THRESIA,W/O.ANTO,THATTIL VALLACHIRAKKARAN HOUSE, PARALAM P.O.,THRISSUR - 680 563.

2. TINTO,S/O.V.P.ANTO,THATTIL VALLACHIRAKKARAN HOUSE, PARALAM P.O.,THRISSUR - 680 563.

3. SHENTO,S/O.V.P.ANTO,THATTIL VALLACHIRAKKARAN HOUSE, PARALAM P.O.,THRISSUR - 680 563.

BY ADV.SRI.DINESH MATHEW J.MURICKEN

RESPONDENT'S/RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT,THIRUVANANTHAPURAM,
PALAYAM P.O.,PIN - 695 001.

2. THE DISTRICT COLLECTOR,THRISSUR,
COLLECTORATE,AYYANTHOLE P.O.
THRISSUR DISTRICT,PIN - 680 003.

3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
OFFICE OF THE DEPUTY TAHSILDAR,
CHEMBUKAVU P.O.,THRISSUR DISTRICT,PIN - 680 020.

4. THE VILLAGE OFFICER,VILLAGE OFFICE,
VENGINISSERY,VENGINISSERY P.O.,
THRISSUR DISTRICT,PIN-680575.

5. DIVISIONAL FOREST OFFICER,VAZHACHAL DIVISION,
CHALAKKUDY P.O.,THRISSUR-680307.

R1-R5 BY GOVT. PLEADER SMT.M.T.SHEEBA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No.4988 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 10/02/2015.

EXT.P2:TRUE COPY OF THE DEATH CERTIFICATE OF THE PETITIONER'S HUSBAND ANTO ISSUED FROM THE PARALAM GRAMA PANCHAYATH, DATED 26/06/2006.

EXT.P3:TRUE COPY OF THE TITLE-DEED NO.1947/2004 OF SUB REGISTRAR OFFICE, CHERPU EXECUTED IN FAVOUR OF THE PETITIONER AND OTHERS DATED 26/04/2004.

EXT.P4:TRUE COPY OF THE RELEASE - DEED NO.2309/2010 EXECUTED IN FAVOUR OF PETITIONER AND ANOTHER DATED 05/08/2010.

EXT.P5:TRUE COPY OF THE PROPERTY TAX RECEIPT ISSUED FROM THE VILLAGE OFFICE, VENGINISSERY, DATED 02/06/2014.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.4988 of 2015

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Dated this the 1st day of June, 2015

JUDGMENT

Petitioners are the owners of properties referred in the Revenue Recovery Proceedings. The petitioners submit that the above properties are self acquired properties. They challenge Revenue Recovery Proceedings. The Revenue Recovery proceedings are initiated to recover the dues from one late Sri.V.P.Anto and the petitioners are legal heirs of late Sri.V.P.Anto.

2. In this matter, a counter affidavit has been filed by the third respondent. It is stated in paragraph-2 as follows:

> "It is submitted that the enquiry made in this regard revealed that the petitioners herein have not inherited any property from the deceased defaulter Shri.V.P.Anto and the properties now held by the petitioners are their

> self acquired properties. In these circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to accept this additional statement and to pass appropriate orders in the above writ petition."

3. In the light of admission made by the respondents that the properties are self acquired properties of the petitioners and not of the defaulter late Sri.V.P.Anto, I am of the view, recovery proceedings as against the properties held by the petitioners are unsustainable.

In the light of the above, the impugned recovery proceedings are quashed. However, respondents are at liberty to proceed against any of the properties held by the petitioners as the estate of the deceased.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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