

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 5442 of 2015 (E)

PETITIONER(S):

**ALEXANDER VARGHESE, AGED 60 YEARS,
S/O.VARGHESE, THUNDIYIL HOUSE, AZHIYADATHUCHIRA P.O,
THIRUVALLA, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR/AUTHORISED OFFICER (DT (RR)
PATHANAMTHITTA, COLLECTORATE,
PATHANAMTHITTA DISTRICT. 689 645.**
- 2. THE TAHSILDAR,
TALUK OFFICE, THIRUVALLA,
PATHANAMTHITTA DISTRICT. 689 101.**
- 3. THE DEPUTY TAHSILDAR,
TALUK OFFICE, THIRUVALLA,
PATHANAMTHITTA DISTRICT. 689 101.**
- 4. THE VILLAGE OFFICER,
KAVUMBAGHAM, THIRUVALLA,
PATHANAMTHITTA DISTRICT. 689 101.**
- 5. THE MANAGER,
BANK OF BARODA, THIRUVALLA BRANCH, THIRUVALLA
PATHANAMTHITTA DISTRICT. 689 101.**
- 6. GOPAKUMAR M.D,
MUNJINATTU STORES, PALIKAKKARA, THIRUVALLA,
PATHANAMTHITTA DISTRICT. 689 101.**

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**7. GEORGE THOMAS,
PANATHUMOOTIL HOUSE, KAVUMBHAGAM, THIRUVALLA,
PATHANAMTHITTA DISTRICT. 689 101.**

**R1-R4 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R5 BY ADVS. SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH
SRI.ADARSH KUMAR
SRI.BIJU VARGHESE ABRAHAM**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE PROCEEDINGS OF THE LOK ADALATH, DATED 06.12.14
IN PLP 1058/14.**

**EXHIBIT P2. COPY OF THE DEMAND NOTICE DATED 07.03.14 U/S. 7 OF THE
REVENUE RECOVERY ACT, ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P3. COPY OF THE REQUEST DATED 06.02.15 SUBMITTED BY THE
PETITIONER TO THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.5442 of 2015

Dated this the 23rd day of June, 2015

J U D G M E N T

The petitioner and the respondent Bank arrived at a settlement before the Lok Adalath, Thiruvalla. Based on the settlement, an award was passed. As per the award, the petitioner was directed to remit ₹1,40,000/- on or before 31.01.2015 in full and final settlement of the liability of the petitioner. The petitioner failed to honour the commitment. Therefore, the Bank initiated revenue recovery proceedings for the entire amount demanding ₹3,19,600/- along with future interest. The petitioner has approached this Court challenging the said proceedings.

3. The learned Standing Counsel for the Bank submits that, the petitioner is liable to pay the entire amount demanded under the Revenue Recovery Act and also that, the petitioner is not entitled for the benefit of the award as the petitioner has committed breach.

4. This Court as per interim order dated 24.03.2015 directed the petitioner to remit an amount of ₹1,14,000/- on or before 15.05.2015. It appears that ,the petitioner has deposited the above amount with the Bank.

5. The learned counsel for the petitioner submits that, the petitioner may be permitted to pay off the balance amount due as

per Ext.P1 award in full and final settlement of the liability.

6. Considering the facts and circumstances of the case, I am of the view that, the petitioner is bound by Ext.P1 award. However, the same can be varied only by consents of the parties. Therefore, the petitioner shall approach the Lok Adalath, Thiruvalla. The Lok Adalath, Thiruvalla is directed to take appropriate decision in the matter, after issuing notice to the petitioner and the Bank. To work out above reliefs, coercive steps against the petitioner shall be deferred for a period of three months from today.

This writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV