

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 6849 of 2015 (E)

PETITIONER(S) :

**T.J.DAVIS. AGED 45 YEARS,
S/O.THARAYIL OUSEPH, NELLUVAI AMSOM DESOM,
TALAPPILLY TALUK.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR-680 003.**
- 2. THE TAHSILDAR (RR),
TALAPPILLY TALUK OFFICE, THRISSUR-680 001.**
- 3. THE VILLAGE OFFICER,
NELLUVAI VILLAGE OFFICE, THRISSUR DISTRICT-680 001**

BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 6849 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1 : A TRUE COPY OF THE ORDER OF STAY GRANTED BY
 THIS HON'BLE COURT IN I.A.NO.6 OF 2015 IN RFA NO.4 OF 2015
 DATED 06-01-2015 OF THIS HON'BLE COURT.**

**EXT P2 : A TRUE COPY OF THE NOTICE ISSUED BY THE THIRD
 RESPONDENT DATED 12-12-2014.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.6849 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner is the 3rd defendant in O.S.No.1495/2009 on the files of First Additional Sub Court, Thrissur. The suit was decreed in favour of the plaintiff with cost. To recover the court fee from the petitioner as per the decree, revenue recovery proceedings were initiated. Challenging the same, the petitioner has filed this writ petition.

2. The petitioner points out that, he has filed R.F.A.No.4/2015 against the said judgment and decree and the Division Bench of this Court stayed the operation of decree on a condition that, the petitioner shall furnish security for the decree debt.

3. Taking note of the fact that, this Court already stayed the recovery of decreed debt, I am of the view that, the revenue recovery proceedings at this stage is premature.

Accordingly, this writ petition is disposed of with a direction to the respondents to drop all further proceedings based on Ext.P2. However, it is open for the revenue officials to initiate fresh revenue recovery proceedings depending upon the outcome of R.F.A.No.4/2015.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.