

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 6965 of 2015 (U)

PETITIONER(S):

**M.K.THOMAS, AGED 52 YEARS,
S/O KURIAN, MUKKATH HOUSE, MITHRKARI MURI,
MUTTAR VILLAGE, KUTTANADU TALUK, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, MINING AND GEOLOGY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA - 688 001.**
- 3. THE ADDITIONAL TAHSILDAR,
KUTTANADU TALUK, ALAPPUZHA DISTRICT - 688 001.**
- 4. THE VILLAGE OFFICER,
VILLAGE OFFICE, MUTTAR VILLAGE, KUTTANADU TALUK,
ALAPPUZHA DISTRICT - 688 007.**

BY GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 6965 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR DATED 21.1.2010.

EXHIBIT P2: TRUE COPY OF THE ORDER NO.C2 4882/10 DATED 5.2.2010.

EXHIBIT P3: TRUE COPY OF THE ORDER NO.C2 4882/10 DATED 22.5.2010.

EXHIBIT P4: TRUE COPY OF THE ORDER NO.C2-4882/2010 DATED 5.4.2010.

**EXHIBIT P5: TRUE COPY OF THE JUDGMENT DATED 1.2.2012 IN W.A.NO.1843
OF 2010.**

EXHIBIT P6: TRUE COPY OF THE NOTICE DATED 20.1.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.6965 of 2015 (U)

.....
Dated this the 5th day of March, 2015

JUDGMENT

The limited prayer of the petitioner, who is faced with revenue recovery proceedings for recovery of amounts confirmed against him, pursuant to a seizure of the vehicle owned by him, under the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001, is for the grant of installment facility to discharge his liability.

2. I have heard Sri.K.S.Hariharaputhran, learned counsel for the petitioner and Sri.Shyson P. Manguzha, learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, and in particular the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions :

(i) The total amount due from the petitioner is approximately Rs.6,17,000/- together with accrued interest and other charges. Accordingly, if the petitioner remits the said amount of Rs.6,17,000/- together with accrued interest and other charges in twelve equal and successive monthly installments commencing

from 20.03.2015, then, the recovery steps initiated against the petitioner for recovery of the amounts shall be kept in abeyance.

(ii) I make it clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/07/03/