

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. 9694 of 2015 (J)

PETITIONER(S) :

SHEJI,
S/O.MUSTAFA, NEDUMPILLIL HOUSE, KOOVAPPARA,
KUTTIYANCHAL, KUTTAMPUZHA,
KOTHAMANGALAM - 686 681.

BY ADVS.SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB.

RESPONDENT(S) :

1. DEPUTY TAHSILDAR,
REVENUE RECOVERY,
KOTHAMANGALAM-684 339.
2. MOHAMMEDALI SHIHABUDEEN,
AGED 32 YEARS, S/O.ALIYAR,
RESIDING AT KARAKUZHAY HOUSE,
AYROORPADAM, KOTHAMANGALAM - 686 691.
3. BRIJESH,
S/O.KRISHNAN, 4/47 CHOTTAKKARA HOUSE,
PALAKUZHAY, MUVATTUPUZHA - 686 662.

R3 BY ADV. SRI.LIJI.J.VADAKEDOM,
R2 BY ADV. SMT.ANEY PAUL,
R2 BY ADV. SRI.PHILIP J.VETTICKATTU &
BY GOVERNMENT PLEADER SMT. M.T.SHEEBA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE OP(MV) NO.844/2009 FILED BY 1ST
RESPONDENT BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
MUVATTUPUZHA.

EXT. P2- TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE
PETITIONER IN OP(MV) NO.844/2009.

EXT. P3- TRUE COPY OF THE AWARD DATED. 24.12.2013 PASSED BY THE
MOTOR ACCIDENT CLAIMS TRIBUNAL IN OP(MV) NO.844/2009.

EXT. P4- TRUE COPY OF THE DEMAND NOTICE DATED 23.9.2014 ISSUED BY
1ST RESPONDENT U/S 7 OF THE REVENUE RECOVERY ACT.

EXT. P4 (A) - TRUE COPY OF THE DEMAND NOTICE DATED 23.9.2014 ISSUED BY
1ST RESPONDENT U/S 34 OF THE REVENUE RECOVERY ACT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.9694 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

The petitioner impugns the revenue recovery proceedings based on M.A.C.T. award. The petitioner was directed to remit one lakh as a conditional order to stay the revenue recovery proceedings. It is an admitted fact that the petitioner has not paid any amount. The petitioner's remedy is to challenge the liability fastened on him by the award of M.A.C.T. He cannot challenge the revenue recovery proceedings.

In that view of the matter, with a liberty to the petitioner challenge the award, this writ petition is disposed of.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/