

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

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

OP.No. 33885 of 2001 (H)

PETITIONER(S):

1. **E.M.SULAIMAN, S/O.MYTHEEN
EDAPPARA HOUSE, KUTTILANJI
ERAMALLOOR VILLAGE
KOTHAMANGALAM TALUK
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)

RESPONDENT(S):

1. **STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY TO GOVERNMENT
THIRUVANANTHAPURAM**
2. **THE DEPUTY TAHSILDAR
(REVENUE RECOVERY)
KOTHAMANGALAM
ERNAKULAM DISTRICT**
3. **THE BRANCH MANAGER
THE ORIENTAL INSURANCE CO. LTD.
MATTANCHERRY, ERNAKULAM**

R1 & R2 BY GOVERNMENT PLEADER SRI.RAM PRASAD UNNI

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP.No. 33885 of 2001 (H)

APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1: TRUE COPY OF THE DEMAND NOTICE DATED 17.10.2001, ISSUED BY
2ND RESPONDENT TO THE PETITIONER.
- EXT. P2: TRUE COPY OF THE DRIVING LICENCE NO.EP/4894/93 &
BADGE NO.EP/2381/93 ISSUED TO PETITONER.
- EXT. P3: TRUE COPY OF THE INSURANCE POLICY ISSUED IN RESPECT OF
VEHICLE NO.KL-7J/4818 BY THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

STK

A.M.SHAFFIQUE, J.

O.P.No.33885 of 2001

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner had filed this writ petition seeking the following reliefs;

“(a) issue a writ in the nature of Mandamus or any other appropriate Writ or Direction, directing the 2nd respondent to drop all further proceedings initiated against the petitioner, in pursuance of Ext.P1 Notice.

(b) declare that the 3rd respondent is not legally entitled to get recovery of any amounts from the petitioner in view of the driver clause contained in Ext.P3 Policy.”

2. The short facts involved in the above writ petition would disclose that the petitioner being a driver is faced with Revenue Recovery Proceedings for recovering an amount of ₹26,845/- as per Ext.P1 proceedings. Ext.P1 would indicate that the recovery sought for is in respect of an award passed by the Motor Accident Claims Tribunal, Muvattupuzha in O.P.(MV)No.622/1998. According to the petitioner, he has no obligation to pay any amount. He submitted that as per the award passed there was a direction to the Insurance

Company, third respondent herein to pay the award amount and to recover the amount from the petitioner. The petitioner submits that the petitioner was having a valid driving license with a badge at the time of accident. However, he was ex-parte in the case and he could not prosecute the matter. In the said circumstances, when Revenue Recovery Proceedings had been initiated, this writ petition is filed seeking the relief aforesaid.

3. But it is relevant to note that Ext.P1, Revenue Recovery notice is pursuant to an award passed by the Motor Accident Claims Tribunal which still remains in force. The petitioner did not opt to challenge the said award by filing any appeal for seeking other appropriate measures. Even in this writ petition, there is no challenge to the award. This Court cannot interfere with the Revenue Recovery notice issued in terms of an award which is valid under the law.

In the result, I do not find any merit in the above writ petition and the same is dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

rkj
//TRUE COPY//

P.A. TO JUDGE