

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 10164 of 2015 (U)

PETITIONER(S) :

**TISSY JOSEPH @ PUSHPA, AGED 56 YEARS,
HOUSE NO.XXV/58, KULAMATTOM, THODUPUZHA P.O.,
IDUKKI DISTRICT-685 584.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN
SRI.JOSEPH GEORGE(MULLAKKARIYIL)**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE SECRETARIAT,
THIRUVANANTHAPURAM -01.**
- 2. THE DISTRICT COLLECTOR,
PAINAVU, IDUKKI, PIN-685 584.**
- 3. THE TAHSILDAR, THODUPUZHA TALUK OFFICE,
THODUPUZHA, IDUKKI DISTRICT-685 584.**

*** ADDITIONAL R4 IMPEADED**

- 4. MR.JOSEPH MULLAKARIYIL,
S/O.JOSEPH, NOEL PLAMDALE VILLAS, RAJAGIRI VALLEY P.O.,
KAKKANAD, KOCHI - 682 039.**

*** ADDITIONAL R4 IS IMPEADED AS PER ORDER DATED 27.05.2015 IN
I.A.NO.6822 OF 2015.**

**R1 TO R3 BY GOVERNMENT PLEADER SMT.SHOBA ANNAMMA EAPEN
ADDL. R4 BY ADV. SRI.P.YADHU KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 10164 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1: A TRUE COPY OF THE SALE DEED NO.3930/96 OF SRO
 THODUPUZHA DATED 28-10-1996.**

EXT.P2: A TRUE COPY OF THE BASIC TAX RECEIPT DATED 24.11.2014.

**EXT.P3: A TRUE COPY OF THE NOTICE DATED 18-03-2015 ISSUED BY
 3RD RESPONDENT.**

**EXT.P4: A TRUE COPY OF THE REPRESENTATION DATED 26-03-2015
 SUBMITTED TO THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.10164 of 2015

Dated this the 28th day of July, 2015

JUDGMENT

The petitioner is the wife of the 4th respondent. The petitioner has approached this Court challenging revenue recovery proceedings initiated to recover the public revenue due from the fourth respondent.

2. The petitioner's case is that she owns a residential building in Survey No.291/1B of Thodupuzha Village along with fourth respondent. The petitioner's case is that on account of difference of opinion, she is now living apart from the fourth respondent. This Court taking note of the contention referred the parties for mediation. It appears that in the mediation, the fourth respondent agreed to discharge the liability by depositing an amount of Rs.50,000/- within two months and the balance within an outer limit of eight months on or before 16.5.2016.

3. The learned Government Pleader submits that the fourth respondent had already approached this Court and obtained facility to discharge the liability in eight instalments and defaulted in

honouring the conditions and submits that by such an agreement between the petitioner and the fourth respondent, the revenue recovery proceedings cannot be halted.

4. The petitioner points out the properties belongs to the fourth respondent mentioned in Ext.P4 before the Tahsildar and submits that instead of proceeding against those properties, revenue recovery proceedings are initiated against the petitioner.

Taking note of the overall facts and circumstances, this writ petition is disposed of with the following directions:

- i. The petitioner and the fourth respondent shall deposit Rs.50,000/- within one month from today.
- ii. The balance amount shall be discharged in six equal monthly instalments from the succeeding month onwards either by the petitioner or by the fourth respondent.
- iii. If the petitioner commits default in remitting anyone of the instalments, it is open for the official respondents to proceed against the petitioner's property or in respect of the property pointed out in Ext.P4.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE