

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 10367 of 2015 (U)

PETITIONER:

ANILKUMAR, RESIDING AT KRISHNA PADMAM,
MULLA LANE, KADAKAMPALLY VILLAGE,
ANAYARA PO, THIRUVANANTHAPURAM.

BY ADVS. SRI. M. R. ANANDAKUTTAN
SMT. M. A. ZOHRRA
SRI. MAHESH ANANDAKUTTAN
SMT. S. SOUMYA ISSAC

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION,
KUDAPPANAKUNNU,
THIRUVANANTHAPURAM 695005.
2. THE THAHSILDHAR, REVENUE RECOVERY,
OFFICE OF THE REVENUE RECOVERY,
THIRUVANANTHAPURAM 695005.
3. MANOHARAN, RESIDING AT TC.31/682(1),
KIRAMUNNILAKATTHU VEEDU, SN NAGAR,
PETTAH VILLAGE, THIRUVANANTHAPURAM 695028.

R1 & R2 BY GOVERNMENT PLEADER SRI. VINCENT. K. C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 10367 of 2015 (U)

PETITIONER'S EXHIBITS:

EXT. P1: TRUE COPY OF THE PLAINT IN OS.830/2010 FILED BEFORE THE SUB COURT, THIRUVANANTHAPURAM

EXT. P2: TRUE COPY OF THE PLAINT IN OS.1546/2013 FILED BEFORE THE MUNSIF'S COURT, THIRUVANANTHAPURAM

EXT. P3: TRUE COPY OF THE SALE NOTIFICATION DATED 02.03.2015 PUBLISHED IN KERALA KAUMUDI DAILY DATED 20.03.2015

EXT. P3(a): TRUE ENGLISH TRANSLATION OF EXT P3

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.10367 of 2015 U

Dated this the 21st day of May, 2015

JUDGMENT

The issue raised in the present writ petition has already been effectively seized of by the competent civil court, before which more than one civil suit is said to be pending. Though the petitioner has challenged in the present writ petition the steps initiated by the respondent authorities for recovery of certain amounts by taking recourse to the revenue recovery, I am afraid it is a *lis pendens* development in so far as the civil suits are concerned.

In the facts and circumstances, this Court is of the opinion that the petitioner has not only an alternative remedy, but also an efficacious one, which he has already seems to have taken recourse to.

This Court therefore dismisses the writ petition on the sole ground of alternative remedy, leaving it open for the petitioner to raise all issues before the competent civil court.

Dama Seshadri Naidu, Judge

tkv