

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 23048 of 2006 (R)

PETITIONER(S):

**V.C.JACOB, S/O.CHACKO,
KALLUMKAL HOUSE, KALKKANDI P.O., MANNARKKAD,
PALAKKAD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

- 1. STATE OF KERALA,
FOREST DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR, PALAKKAD.**
- 3. THE CONSERVATOR OF FORESTS,
PALAKKAD.**
- 4. THE DIVISIONAL FOREST OFFICER,
MANNARKKAD, PALAKKAD.**
- 5. THE FOREST RANGE OFFICER,
AGALI, MANNARKKAD, PALAKKAD.**
- 6. THE DEPUTY TAHSILDAR (R.R.)
TALUK OFFICE, MANNARKKAD, PALAKKAD.**
- 7. THE VILLAGE OFFICER,
KALLAMALA, MANNARKKAD, PALAKKAD.**

BY GOVERNMENT PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE LETTER NO.OR 3,4/2000 SENT BY THE
3RD RESPONDENT TO THE PETITIONER.**

**EXT.P2: TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE
3RD RESPONDENT DATED 30.5.2001.**

EXT.P2(a):: TRUE COPY OF THE ACKNOWLEDGMENT CARD.

**EXT.P3: TRUE COPY OF THE ORDER NO.B2 1872/2000 DATED 19.7.2001 ISSUED BY
THE 2ND RESPONDENT.**

**EXT.P4: TRUE COPY OF THE NOTICE OF THE 2ND RESPONDENT NO.B2 1872/2000
DATED 31.7.2002.**

**EXT.P5: TRUE COPY OF THE NOTICE U/S 34 IN FORM NO.10 OF THE R.R. ACT
SERVED ON THE PETITIONER.**

**EXT.P6: TRUE COPY OF THE NOTICE U/S 7 IN FORM NO.1 SERVED ON THE
PETITIONER.**

**EXT.P7: TRUE COPY OF THE JUDGMENT IN WP(C) 38140/03 OF THIS HON'BLE COURT
DATED 4.12.2003.**

**EXT.P8: TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER
DATED 15.12.2003.**

**EXT.P9: TRUE COPY OF THE LETTER SENT BY THE 3RD RESPONDENT TO THE
PETITIONER DATED 20.3.2004.**

**EXT.P10: TRUE COPY OF THE NOTICE SENT BY THE 2ND RESPONDENT TO THE
PETITIONER DATED 13.7.2006.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.23048 of 2006

.....
Dated this the 28th day of January, 2015

J U D G M E N T

This writ petition was filed by the petitioner challenging Ext.P10 show cause notice issued under the Revenue Recovery Act requiring him to appear before the District Collector, Palakkad, to show cause as to why he should not be committed to civil prison for failure to pay the amounts due from him to the Forest Department. In the writ petition, the prayer is for quashing Ext.P10, and to declare that the proceedings initiated against the petitioner under Section 65 of the Revenue Recovery Act is illegal. It is seen that by an interim order dated 26.10.2006, this Court had directed the arrest of the petitioner to be kept in abeyance for a period of six weeks, if the petitioner paid an amount of Rs.50,000/- within three weeks from the date of the order. By a later order dated 13.03.2007, it was noted that the petitioner had failed to pay the amount as directed by this Court on 26.10.2006, and that the interim order granted by this Court was not in force. Considering the nature of the relief sought for in the writ petition and the fact that more than seven years have elapsed since the last

order passed by this Court, it is likely that the present writ petition has become infructuous. Accordingly, the writ petition is dismissed as infructuous.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

