

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 17872 of 2015 (H)

PETITIONER(S):

**ASWATHY NATARAJAN, AGED 33 YEARS,
D/O. NATARAJAN, KOCHUVEETIL HOUSE, MANTHANAM,
MALLAPPALLY TALUK, PATHANAMTHITTA.**

BY ADV. SRI.S.NIDHEESH

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PATHANAMTHITTA-689645.**
- 2. THE TAHASILDAR,
MALLAPPALLY, PATHANAMTHITTA-659585.**
- 3. SURENDERAN P.N.,
S/O NANUPANICKER, GOPURATHIL VEEDU,
KUNNAMTHANAM VILLAGE, PATHANAMTHITTA-689581.**
- 4. MINI SURENDRAN,
VELLUKAVU PUTHUPARAMBIL VEEDU, KUNNAMTHANAM P.O.
MALLAPPALLY TALUK, PATHANAMTHITTA-689591.**

**R1 & 2 BY GOVERNMENT PLEADER SMT.K.T.LILLY
R3 & 4 BY ADVS. SRI.S.JAYAKRISHNAN
SRI.S.PARAMESWARA PRASAD
SMT.S.USHAKUMARI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE SALE DEED DATED 28.11.2014.

EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 5.6.2015.

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 18.4.2012 OF THE JFCM,
THIRUVALLA.**

EXHIBIT P4: TRUE COPY OF THE CLAIM PETITION DATED 10.6.2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 1st day of October, 2015

JUDGMENT

The petitioner, who had purchased an extent of land by an outright sale is aggrieved by the notice served on her by the Village Officer stating that the property purchased by her has already been attached under the provisions of the Revenue Recovery Act to satisfy a Court fine of Rs.6.50 lakhs. In the writ petition, it is the case of the petitioner that she was not aware of any such liability and the attachment was made only subsequent to the sale in her favour. It is pointed out that she has preferred Ext.P4 claim petition before the 1st respondent and the limited prayer in the writ petitioner is for a direction to the 1st respondent to consider and pass orders on the claim petition and to keep in abeyance recovery steps initiated against said property in the meanwhile.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I direct the 1st respondent to consider and pass orders on Ext.P4 claim petition

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filed by the petitioner within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner. The interim stay, of recovery proceedings against the property of the petitioner, that was granted by this Court on 15/06/2015 and extended thereafter shall continue to be in force till such time as the 1st respondent passes orders as directed and communicates the same to the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE