

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 18112 of 2015 (L)

PETITIONER(S) :

**RAFEEQUE P.A., S/O.MOHAMMEDALI(LATE),
PAYAMCHERI, SHIBAB MANZIL,
PAZHAYAPALAM P.O., IRITTY, KANNUR.**

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KANNUR-670 101.**
- 2. THE TAHSILDAR (REVENUE RECOVERY),
THALASSERY-670 102.**

BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 18112 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 06.03.2015.**

**EXHIBIT P2: TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER
DATED 26.03.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.18112 of 2015

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner as against the proceedings initiated under Section 65 of the Revenue Recovery Act raised objection before the District Collector by Ext.P2. The petitioner's case is that he has no means to discharge the liability for which the revenue recovery proceedings are initiated. The petitioner further prays that he may be given twenty instalments to discharge the liability.

2. I am of the view that before proceeding under Section 65 of the Revenue Recovery Act, an appropriate decision shall be taken by the District Collector after adverting to Ext.P2. However, considering the request for instalments, the following directions are issued:

- i. The petitioner is permitted to discharge the entire liability in twenty equal monthly instalments starting from 5.8.2015 onwards.
- ii. If the petitioner remits the above amount, the revenue recovery proceedings initiated against the petitioner shall be dropped.

- iii. However, if the petitioner commits default in remitting anyone of the instalments, respondents are free to proceed against the petitioner in accordance with law.
- iv. In the event, the proceedings are initiated under Section 65 of the Act, necessarily, the petitioner's objection under Section 65 of the Revenue Recovery Act shall be considered by the District Collector.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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