

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 18898 of 2015 (J)

PETITIONER :

**SURENDRA BABU, AGED 65 YEARS,
KOTTAPPALLY HOUSE, THIRUMALABHAGOM P.O.,
KUTHIATHODE, CHERTHALA, ALLEPPEY DISTRICT.**

BY ADV. SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS :

- 1. KERALA STATE FINANCIAL ENTERPRISES
REGISTERED OFFICE, BHADRATHA, MUSEUM ROAD,
THRISSUR-680 001.**
- 2. THE SPECIAL DEPUTY TAHSILDAR,
REVENUE RECOVERY (R.R.), ACJ MANSION,
SEA VIEW WARD, ALAPPUZHA-688 001.**
- 3. BRANCH MANAGER
K.S.F.E., KUTHIATHODE, CHERTHALA-688 524.**

**R1 & R3 BY ADV. SRI.P.V.LONACHAN
BY SRI.ALEXANDER.C.V., SC,
R2 BY SENIOR GOVERNMENT PLEADER SMT. SHOBA ANNAMMA EAPPEN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE ORDER DATED 5.4.2014 ISSUED FOR THE 1ST RESPONDENT DIRECTING TO REMIT THE AMOUNT AS STIPULATED IN THE OTS SCHEME.
- P2: TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPTS FOR THE REPAYMENT OF THE ENTIRE LOAN AMOUNT.
- P3: TRUE COPY OF THE NOTICE DATED 19.11.2014 ISSUED TO THE BRANCH MANAGER DIRECTING TO RELEASE THE DOCUMENT TO THE PETITIONER.
- P4: TRUE COPY OF THE NOTICE/PROCEEDINGS DATED 24.11.2014 ISSUED BY THE 2ND RESPONDENT TO THE SUB REGISTRAR AND VILLAGE OFFICER.
- P5: TRUE COPY OF THE SECTION 7 DEMAND NOTICE ISSUED BY THE 2ND RESPONDENT DATED 5.6.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.18898 of 2015

Dated this the 30th day of July, 2015

JUDGMENT

The petitioner, challenging revenue recovery proceedings initiated to recover the amount due to the first respondent, has approached this Court. The petitioner's case is that he has discharged the entire liability based on the revenue recovery proceedings in respect of the Chitty subscribed by him and therefore, the present revenue recovery proceedings are illegal.

2. Learned standing counsel for the first respondent submits that the revenue recovery proceedings are now initiated in respect of the totally different transaction as evidenced from Ext.P5 and it has nothing to do with the earlier revenue recovery proceedings.

3. In view of the facts and circumstances, the revenue recovery proceedings are initiated in respect of the totally different transaction, which the petitioner has not disputed, this Court is of the view that the petitioner's challenge against revenue recovery proceedings is futile and without any merit.

Taking note of the facts and circumstances, the petitioner is given time to discharge the entire liability in ten equal monthly instalments starting from 20.8.2015 onwards. If the petitioner commits default in remitting anyone of the instalments, the respondents are free to proceed against the petitioner in accordance with law. Any amount lying in the credit of the petitioner in the Chitty already terminated, shall be adjusted against the liability. The first respondent shall issue a statement of accounts to the petitioner within two weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln