

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 24178 of 2008 (C)

PETITIONER(S) :

D.VELAYUDHAN,
AGED 52 YEARS, S/O. R.DUDHACHAN,
PLOT NO.51, KUDUMBI COLONY,
ELAMKULAM , COCHIN - 682 020.

BY ADV. SRI.ANIL S.RAJ.

RESPONDENT(S) :

1. THE MANAGING DIRECTOR,
K.S.R.T.C. ,
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR,
COLLECTORATE,
TRIKKAKARA, ERNAKULAM.

R1 BY SRI.V.V.NANDAGOPAL NAMBIAR,SC, KSRTC,
BY GOVERNMENT PLEADER SRI.P.V.ELIAS &
BY SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1 : TRUE COPY OF THE AWARD DATED 05/03/2007 IN OP (MV)
NO.1761/2001.

EXT. P2 : TRUE COPY OF THE E.P.NO.242/2007 IN OP (MV) NO.1761/2001
DATED 26/10/2007.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

ANIL K.NARENDRA, J

W.P.(C)No.24178 OF 2008

DATED THIS THE 25th DAY OF MAY, 2015

JUDGMENT

The petitioner is the claimant in O.P.(MV)No.1761 of 2001 on the file of the Additional Motor Accident Claims Tribunal, Ernakulam. By Ext.P1 award, the Tribunal directed the first respondent herein to pay an amount of ₹1,52,124/- to the petitioner together with interest at the rate of 7.5% per annum within 30 days. In order to execute Ext.P1 award passed by the Tribunal, the petitioner filed Ext.P2 execution petition. The grievance of the petitioner in this writ petition is that, though revenue recovery certificate has already been issued, the second respondent, who is the authority to recover the same has not taken any steps in that regard.

2. By order dated 3.9.2010, this Court has directed the learned Standing Counsel for the first respondent to ascertain whether the amount awarded in Ext.P1 has already been deposited or not. Today when the case was taken up for final hearing, none appeared for the petitioner and also for the first respondent. The learned Government Pleader is not having any instruction as to

whether the amount covered by Ext.P1 award has already been deposited or not.

3. In the aforesaid circumstances, this Writ Petition is disposed of with the following direction;

If the amount covered by Ext.P1 award is yet to be recovered and deposited before the Tribunal, the second respondent shall take necessary steps to recover the amount covered by Ext.P1 award together with interest from the first respondent through revenue recovery proceedings and deposit the same before the Tribunal. Necessary steps in this regard shall be done by the second respondent as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment.

Sd/-

ANIL K.NARENDRA, JUDGE

dsn