

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. 20715 of 2015 (L)

PETITIONER :

P.K.ANTONY,
S/O. PATTUMMAL KOCHANATHO, KOTTAPPURAM DESOM,
METHALA, KODUNGALLUR.

BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH
SMT.ATHIRA A.MENON

RESPONDENT(S):

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1. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, TALUK OFFICE,
KODUNGALLUR -680 664
 2. THE VILLAGE OFFICER,
METHALA VILLAGE, METHALA, THRISSUR- 683 545
 3. THE DISTRICT COLLECTOR,
AYYANTHOLE COLLECTORATE, AYYANTHOLE,
THRISSUR- 680 003

*ADDL.R4 IMPEADED

*ADDL.R4: THE EDAKKALATHUR CHITTIES & LOANS PVT. LTD.,
THRISSUR-680 002

*ADDL.R4 IS IMPEADED AS PER ORDER DATED 13/07/2015 IN I.A.NO.9903/2015

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:

APPENDIX

**EXHIBIT P1 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN CRL.RP
NO. 4457/2007 DATED 12-12-2007**

**EXHIBIT P2 AFFIDAVIT SWORN IN ON BEHALF OF THE EDAKKALATHUR CHITTIES
& LOANS PVT LTD ON 29-06-2015 ACKNOWLEDGING RECEIPT OF
COMPENSATION AMOUNT OF RS. 1,12,000/- PURSUANT TO EXT.P1
JUDGMENT**

**EXHIBIT P3 TRUE COPY OF THE DEMAND NOTICE ISSUED TO THE PETITIONER
UNDER SECTION 7 OF THE REVENUE RECOVERY ACT BY THE 1ST
RESPONDENT**

**EXHIBIT P4 TRUE COPY OF THE DEMAND MADE BEFORE ATTACHMENT OF
IMMOVABLE PROPERTY UNDER SECTION 34 OF THE REVENUE
RECOVERY ACT ISSUED BY THE 1ST RESPONDENT**

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20715 of 2015

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner aggrieved by revenue recovery proceedings initiated under the Revenue Recovery Act to recover the fine amount of Rs.1,12,000/- ordered in S.T.No.3260/2003 on the file of the J.F.C.M-II, Thrissur, has approached this Court. This Court in CrI.R.P.No.4457/2007, which is produced as Ext.P1, ordered as follows:

“The sentence imposed on the revision petitioner is set aside and instead he is sentenced to pay fine of Rs.1,12,000/- (Rupees one lakh and twelve thousand only) which shall be deposited within six months from today and on default to make the payment, he shall suffer simple imprisonment for three months. The fine amount shall be paid as compensation under Section 357(1) Cr.P.C. This Revision is disposed of confirming the conviction but modifying the sentence as above.”

2. This Court while ordering as above, ordered that the entire amount to be recovered and the fine amount shall be disbursed to the complainant as compensation under Section 357(1) of the Criminal Procedure Code.

3. The petitioner submits that he has paid the entire amount directly to the complainant, additional 4th respondent herein. The additional 4th respondent also submits that they have received the entire amount.

In that view of the matter, recording satisfaction, revenue recovery proceedings are quashed.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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