

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.R. RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 21384 of 2014 (W)

PETITIONERS:

1. RAJMOHAN NAIR
RAKESH BHAVAN, V. KOTTAYAM.P.O.
PATHANAMTHITTA DISTRICT.
2. SATHEESH.V., S/O. V.K. VASU,
VADAKKETHU HOUSE, THONNIYAMALA MURI
NARANGANAM VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT.

BY ADVS. SRI.V.PHILIP MATHEW
SRI.GIBI.C.GEORGE

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE
KERALA GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
2. DEPUTY TAHSILDAR (RR), PATHANAMTHITTA-689645.
3. PONNAMMA, W/O. LATE. RAVEENDRAN.P.,
MEETAYIL KALAYIL HOUSE, PARIYARAM.P.O.,
ELANTHOOR VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT-689585.
4. ARUN.K. RAJ,
S/O. LATE. RAVEENDRAN.P., MEETAYIL KALAYIL HOUSE
PARIYARAM.P.O., ELANTHOOR VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT-689585.
5. M.R. ASHISH KUMAR,
S/O. LATE. RAVEENDRAN.P., MEETAYIL KALAYIL HOUSE
PARIYARAM.P.O., ELANTHOOR VILLAGE, KOZHENCHERRY TALUK
PATHANAMTHITTA DISTRICT-689585.
6. THE BRANCH MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
PATHANAMTHITTA-689645.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI R.PADMARAJ
R3-R4 BY ADV. SRI.T.K.KOSHY
R5 BY ADV. SRI.ABE RAJAN
R6 BY ADV. SRI.N.S.MOHAMMED USMAN
R6 BY SRI.A.A.ZIYAD RAHMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

- P1. COPY OF THE AWARD DATED 18-9-2012 PASSED BY THE TRIBUNAL PATHANAMTHITTA IN OPMV NO. 659/2006.
- P2. COPY OF FORM NO.1 DEMAND NOTICE DATED 7-7-2014 ISSUED BY THE 2ND RESPONDENT TO THE FIRST PETITIONER.
- P3. COPY OF FORM NO. 10 DEMAND NOTICE DATED 7-7-2014 ISSUED BY THE 2ND RESPONDENT TO THE FIRST PETITIONER.
- P4. COPY OF FORM NO.1 DEMAND NOTICE DATED 7-7-2014 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.
- P5. COPY OF FORM NO.10 DEMAND NOTICE DATED 7-7-2014 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

RESPONDENTS' EXHIBITS: NIL

True copy

P.S.to Judge

dsn

P.R.RAMACHANDRA MENON & ANIL K.NARENDRA, JJ.

W.P.(C)No.21384 OF 2014

DATED THIS THE 3rd DAY OF NOVEMBER, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J.

This Writ petition has been filed by the owner and driver of the vehicle bearing No.KRA 2095, being aggrieved of the award passed by the Motor Accident Claims Tribunal, Pathanamthitta in O.P.(MV)No.659/2006, whereby a total compensation of ₹59,730/- has been directed to be satisfied with interest @ 7.5% mulcting the liability upon the shoulders of the writ petitioners, sparing the insurance Company. The challenge is raised on receipt of notice under the Revenue Recovery Act. The prayer is to set aside the demand notices and to declare that the concerned party cannot proceed against the writ petitioners till the disposal of M.A.C.A.No.52/2013 and Cross objection No.105/2014 pending before this Court.

2. Today when the matter is taken up for consideration, the learned counsel for the petitioners submits that the revenue recovery proceedings, subsequently came to be withdrawn, as

ordered by the Tribunal vide order dated 19.8.2014 in E.A.No.243/2014 in E.P.No.356/2012 in O.P.MV)No.659/2006. It is stated that such step was necessitated since the certificate was issued in terms of Section 174 of the MV Act without hearing the legal heirs of the concerned respondent and as such, the grievance raised in this Writ Petition no more subsists as on date.

In the above facts and circumstances, this Writ Petition is closed as no further orders are necessary in this matter. This Court has not expressed anything with regard to the maintainability of the Writ Petition, as it is not necessitated at this moment, in view of the turn of events.

Sd/-

**P.R.RAMACHANDRA MENON,
JUDGE**

Sd/-

**ANIL K.NARENDRA,
JUDGE**

dsn

True copy

P.S.to Judge