

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C) .No. 22611 of 2015 (B)

PETITIONER(S) :

1. RAMACHANDRAN K.C.,
AGED 75 YEARS, S/O.LATE NARAYANAN NAIR,
PUTHIYA PARAMBATH, KARUVASSERRY P.O.,
KOZHIKODE - 673 010 (FORMERLY EDAVALATH PARAMBATH HOUSE,
CHERUPPA P.O., KOZHIKODE).
2. SREEDHARAN NAIR V.,
S/O.RAMUNNI KURUP, AGED 70 YEARS,
VANMAYATHU HOUSE, PANTHEERANKAVU P.O., KOZHIKODE.
3. KRISHNAN P.,
S/O.CHANDU, PUNATHIL HOUSE, AGED 66 YEARS,
PERUMANNA P.O., KOZHIKODE.
4. SIVADASAN K.,
S/O.KRISHNAN NAIR, KARIMBANAKANDY HOUSE,
CHERUKULATHUR P.O., AGED 54 YEARS,
KOZHIKODE.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH.

RESPONDENT(S) :

1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
KOZHIKODE, PIN - 673 001.
2. THE VILLAGE OFFICER,
CHERUVANNUR VILLAGE, KOZHIKODE, PIN - 673 524.
3. THE PERUVAYAL PANCHAYAT CLAY WORKERS INDUSTRIAL CO-OPERATIVE
SOCIETY LTD., NO.K.V.IND. (D) 10, PERUVAYAL P.O.,
KOZHIKODE - 673 024.
4. THE DISTRICT OFFICER,
KHADI & VILLAGE INDUSTRIES OFFICE,
CHEROOTTY ROAD, KOZHIKODE - 673 032.

R4 BY ADV. SRI.TOM K.THOMAS, SC KERALA KHADI & VILLAGE INDUSTRIES
BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

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- EXT.P-1: TRUE COPY OF THE DEMAND NOTICE PRIOR TO ATTACHMENT OF LAND DATED 16.6.2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P-2: TRUE COPY OF THE DEMAND NOTICE UNDER SECTION - 7 DATED 16.6.2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P-3: TRUE COPY OF THE PROCEEDING DATED 22.9.2014 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER ATTACHED TO THE OFFICE OF THE 4TH RESPONDENT.
- EXT.P-4: TRUE COPY OF THE JUDGEMENT IN STATE OF KERALA V. V.R.KALLIYANIKUTTY (1999 (2) KLT 146) (SC) OF THE HON'BLE SUPREME COURT OF INDIA.
- EXT.P-5: TRUE COPY OF THE JUDGEMENT IN PERUMBAVOOR MUNICIPALITY V. ASSISTANT ENGINEER (2015 (1) KLT 95 (F.B) OF THE LEARNED FULL BENCH OF THIS HON'BLE COURT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.22611 of 2015

Dated this the 10th day of August, 2015

J U D G M E N T

The petitioners have approached this Court challenging revenue recovery proceedings.

2. The petitioners are the former Board of Directors of 3rd respondent Co-operative Society. The Society availed a loan from the 4th respondent Khadi and Village Industries. The recovery initiated by the Board is resisted on the ground of limitation and also disputing the petitioners' liability.

3. On instructions, the learned Standing Counsel for the Board submitted that other members have also approached this Court and they approached the District Collector and the District Collector is considering the issue.

4. In that view of the matter, this Court is of the view that the petitioner shall raise the objection before the District Collector, Kozhikode under Section 34 of the Revenue Recovery Act within a period of two weeks from

the date of receipt of a copy of this judgment. Thereafter, the District Collector shall consider the objection to be raised by the petitioner, along with the objections of other members, after affording an opportunity of hearing to the petitioner and 4th respondent within a period of three months. Till the consideration of the objection to be raised by the petitioners, coercive steps against the petitioners shall be deferred.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/