

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 22724 of 2015 (M)

PETITIONER(S):

1. V.C. GEORGE, AGED 61,
S/O.CHERIYAN, VETTIKKAL HOUSE,
KRISHNAGIRI P.O, WAYANAD - 673 591.
2. ANNAKKUTTY GEORGE, AGED 55,
W/O.V.C.GEORGE, VETTIKKAL HOUSE,
KRISHNAGIRI P.O., WAYANAD - 673 591.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT.,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, WAYNAD - 685 001.
3. THE TAHSILDAR, REVENUE RECOVERY,
AMBALAVAYAL TALUK OFFICE,
WAYNAD - 685 001.
4. THE VILLAGE OFFICER,
KRISHNAGIRI VILLAGE OFFICE, WAYNAD - 685 001.

BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: A TRUE COPY OF THE CLAIM APPLICATION IN OP(MV) NO.241 OF 2013 ON THE FILE OF THE MACT, KALPETTA DATED 5.5.2013.
- EXT.P-2: A TRUE COPY OF THE DOCUMENT BEARING NO.4093 OF 97 DATED 3.10.97 OF THE SULTHAN BATHERY S R O.
- EXT.P-3: A TRUE COPY OF THE DOCUMENT BEARING NO.3562 OF 81 DATED 28.5.81 OF THE SULTHAN BATHERY S R O.
- EXT.P-4: A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE PETITIONERS DATED 30.6.2015.
- EXT.P-5: A TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED TO THE SECOND PETITIONER BY THE MEENANGADI GRAMA PANCHAYATH DATED 15.7.2015.
- EXT.P-6: A TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED DATED 20.4.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P(C). No. 22724 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

Petitioner have approached this Court challenging revenue recovery proceedings initiated to recover the amount due under the MACT Award. Petitioners' case is that the petitioners' son is liable and therefore no recovery can be initiated against them.

2. The 3rd respondent, Tahsildar shall verify whether the movable or immovable properties, being proceeded under the Revenue Recovery Act, are belonging to the petitioners or not. If the movables are kept in the immovable property belonging to the petitioners, necessarily no proceedings can be initiated under the Revenue Recovery Act. However, if it is found that property belonging to the son as well, the respondents are free to proceed against the property. Therefore, only after taking a proper decision in the matter, the Tahsildar shall proceed further under the Revenue Recovery Act. The Tahsildar shall take appropriate decision within one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.