

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22926 of 2015 (M)

PETITIONERS:-:

1. VIJAYAN, AGED 76 YEARS,
S/O. MADATHIL KALYANI AMMA, MADATHIL HOUSE,
CHITILAPPILLY DESOM, CHITILAPPILLY P.O., THRISSUR.
2. T. SARADA, AGED 71 YEARS,
W/O.MADATHIL VIJAYAN, MADATHIL HOUSE,
CHITILAPPILLY DESOM, CHITILAPPILLY P.O., THRISSUR.

BY ADV. SRI.C.PRABIN BENNY

RESPONDENTS:-:

1. THE VILLAGE OFFICER,
CHITILAPPILLY VILLAGE, CHITILAPPILLY P.O.,
THRISSUR - 680 551.
2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, AYYANTHOLE,
THRISSUR - 680 003.
3. THE DEPUTY TAHSILDAR (RR)
THRISSUR TALUK, CHEMBUKAVU P.O., THRISSUR - 680 020.
4. THE DISTRICT COLLECTOR
THRISSUR DISTRICT, AYYANTHOLE, THRISSUR - 680 003.
5. THE LAND REVENUE COMMISSIONER,
PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM - 695 033.

BY GOVERNMENT PLEADER SMT. M.T. SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE DEMAND NOTICE DATED 11.08.2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 27.11.2014 PASSED BY THIS HON'BLE COURT IN WP(C)NO.31791/2014.

EXHIBIT P3: TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 21.03.2015.

EXHIBIT P4: TRUE COPY OF THE REVISION PETITION FILED BEFORE THE 5TH RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE STAY PETITION FILED ALONG WITH REVISION PETITION BEFORE THE 5TH RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE COMMUNICATION DATED 10.07.2015 FROM THE 5TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22926 of 2015

Dated this the 29th day of July, 2015

JUDGMENT

Petitioners are husband and wife. Their son has liability towards second respondent for availing certain benefits from the District Industries Centre. The petitioners have approached this Court challenging revenue recovery proceedings.

2. According to the petitioners, the movable properties now proceeded are exclusively belong to them and the son has no right over the same.

3. This Court is of the view that the Tahsildar shall verify whether the movable or immovable properties are exclusively belong to the petitioners. If the properties are exclusively belong to the petitioners, necessarily, no action shall be initiated against the petitioners' properties. However, if the properties are belonged to the son, official respondents are free to proceed against the properties. It is made clear that the respondents can initiate the revenue recovery proceedings in respect of the property owned by

the defaulter and not of the writ petitioners. The Tahsildar shall take appropriate decision after verification within one month. No action shall be taken till the verification by the Tahsildar. The further action would depend upon the verification by the Tahsildar.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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