

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25391 of 2015 (Y)

PETITIONER(S) :

**THOMAS J., AGED 50 YEARS,
S/O.OUSEPH, KARAKKADU (H), NEAR GOOD SHEPHERD SCHOOL,
THENGANA KARA, MADAPPALLY VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.LIJI.J.VADAKEDOM
SMT.REXY ELIZABETH THOMAS
SRI.RAJEEV JYOTHISH GEORGE**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
- 2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY)-
CHANGANACHERRY, TALUK OFFICE-CHANGANACHERRY,
CHANGANACHERRY, KOTTAYAM DISTRICT- 686 002.**
- 3. VILLAGE OFFICER-MADAPPALLY,
VILLAGE OFFICE, MADAPPALLY, KOTTAYAM DISTRICT- 686 002.**

BY GOVERNMENT PLEADER SRI.GIKKU JOSEPH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: THE COPY OF THE COMMON JUDGMENT DATED 28.02.2015 IN
O.S.NO.234/2012, 247/2012, 256/2012, 266/2012 AND 161/2013
BEFORE THE SUB COURT, PALA.

EXHIBIT P2: THE COPY OF THE DEMAND NOTICE DATED 24.07.2015 ISSUED BY
THE 2ND RESPONDENT TO THE PETITIONER HEREIN DEMANDING
COMPENSATION AMOUNT WITH INTEREST IN O.S.NO.256/2012
BEFORE THE SUB COURT, PALA.

EXHIBIT P2(A): THE COPY OF THE DEMAND NOTICE DATED 24.07.2015 ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER HERE IN
DEMANDING COURT FEE WITH INTEREST IN O.S.NO.234/2012
BEFORE THE SUB COURT, PALA.

EXHIBIT P2(B): THE COPY OF THE DEMAND NOTICE DATED 24.07.2015 ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER HERE IN
DEMANDING COURT FEE WITH INTEREST IN O.S.NO.247/2012
BEFORE THE SUB COURT, PALA.

EXHIBIT P2(C): THE COPY OF THE DEMAND NOTICE DATED 24.07.2015 ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER HERE IN
DEMANDING COURT FEE WITH INTEREST IN O.S.NO.256/2012
BEFORE THE SUB COURT, PALA.

EXHIBIT P2(D): THE COPY OF THE DEMAND NOTICE DATED 24.07.2015 ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER HERE IN
DEMANDING COURT FEE WITH INTEREST IN O.S.NO.266/2012
BEFORE THE SUB COURT, PALA.

EXHIBIT P2(E): THE COPY OF THE DEMAND NOTICE DATED 24.07.2015 ISSUED
BY THE 2ND RESPONDENT TO THE PETITIONER HERE IN
DEMANDING COURT FEE WITH INTEREST IN O.S.NO.161/2013
BEFORE THE SUB COURT, PALA.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.25391 of 2015

Dated this the 19th day of August, 2016

J U D G M E N T

The petitioner has approached this Court challenging revenue recovery proceedings.

2. The revenue recovery proceedings are initiated based on the decree passed by the civil court as per Ext.P1. The petitioner submits that he is contemplating to file an appeal against the decree and therefore, amount cannot be recovered till the disposal of the appeal. The petitioner also submits that the authority can only recover court fee payable and not the principal amount due under the decree.

3. Considering the facts and circumstances, the following directions are issued:

- i) No amount shall be recovered from the petitioner other than court fee, which is ordered to be recovered based on decree.
- ii) The recovery proceedings shall be deferred for a period of two months to enable the petitioner to

workout his remedy before the appropriate court.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/