

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25940 of 2015 (N)

PETITIONER(S):

**SASEENDRAN, AGED 50 YEARS,
S/O.SUKUMARAN NAIR, CHERULLIL HOUSE,
VEMBALLOOR P.O., SREENARAYAPURAM VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT-683 578.**

BY ADV. SRI.UNNIKRISHNAN.S.

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
DISTRICT COLLECTORATE,
AYYANTHOLE, THRISSUR-680 003.**
- 2. DEPUTY TAHSILDAR (RR),
REVENUE RECOVERY, KODUNGALLUR TALUK,
KODUNGALLUR-680 664.**
- 3. VILLAGE OFFICER,
VILLAGE OFFICE, SREENARAYANAPURAM VILLAGE,
PANANGAD P.O., KODUNGALLUR-680 665.**

BY GOVT. PLEADER SRI.GIKKU JACOB.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: TRUE PHOTOCOPY OF THE I.A. NO.556/2015 IN OP(MNV)NO.977/2006 FILED BY THE 3RD RESPONDENT IN THE CLAIM PETITION.

EXHIBIT P2: TRUE COPY OF THE I.A.NO.2341/2015 FILED BY THE PETITIONER TO REVIEW THE ORDER PASSED BY THE MACT, IRINJALAKUDA IN IA NO.556/2015 ON 02.06.2015.

EXHIBIT P3: TRUE PHOTOCOPY OF THE ORDER PASSED BY THE MACT, IRINJALAKUDA IN IA NO.2341/2015 IN IA NO.556/2015 IN OP(MV)NO.977/2006.

EXHIBIT P4: TRUE PHOTOCOPY OF THE DEMAND NOTICE UNDER SECTION 7 OF THE REVENUE RECOVERY ACT ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P5: TRUE PHOTOCOPY OF THE DEMAND PRIOR TO ATTACHMENT OF LAND UNDER SECTION 34 OF THE REVENUE RECOVERY ACT ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 25940 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner has approached this Court challenging revenue recovery proceedings.

2. By an award of Motor Accidents Claims Tribunal, the insurance company was made liable to pay the compensation to the claimant. The insurance company, thereafter, filed an *Interlocutory* Application seeking a direction to recover the amount paid to the claimant from the petitioner herein. This was allowed.

3. The learned counsel for the petitioner submits that in this proceedings he was set ex-parte. He has filed an application to review the order. Ext.P2 is the application, that application was allowed by MACT. Now, the main application filed by the insurance company is pending before the Tribunal.

In that view of the matter, the following directions are issued :

- i) The MACT is directed to dispose I.A.No.556/2015 in OP(MV) No. 977/2006 within a period of two months.

ii) The recovery proceedings initiated against the petitioner shall be deferred for a period of three months.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

bpr