

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 26248 of 2015 (E)

PETITIONER(S):

**1. NAITHIL VINCENT,
NAITHIL HOUSE, SAKTHIKULANGARA,
KOLLAM, PIN-691 581.**

**2. FRANCIS GEORGE,
MARY VILLA, PANDARATHOPPE,
KAVANADU P.O., KOLLAM-691 003.**

BY ADV. SRI.MOHAMMED RAFIQ.

RESPONDENT(S):

**1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, TRIVANDRUM, PIN-695 001.**

**2. THE COMMERCIAL TAX OFFICER,
3RD CIRCLE, CIVIL STATION,
KOLLAM, PIN-691 013.**

**3. THE TAHSILDAR (REVENUE RECOVERY),
KOLLAM, PIN-691 013.**

BY GOVT. PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : TRUE COPY OF THE INTIMATION PAYMENT OF ARREARS UNDER THE AMNESTY SCHEME 2008-09 DATED 31-12-2008 ISSUED BY 2ND RESPONDENT.**
- P2 : TRUE COPY OF THE RECEIPT NO.149062 DATED 22-02-2009 FOR PAYMENT OF RS.15,878/- ISSUED BY 2ND RESPONDENT.**
- P3 : TRUE COPY OF THE RECEIPT NO.149431 DATED 03-10-2009 FOR PAYMENT OF RS.47,633 ISSUED BY 2ND RESPONDENT.**
- P4 : TRUE COPY OF THE NOTICE OF ATTACHMENT OF IMMOVEABLE PROPERTIES BEARING NO.D6-1017/95, D6-6160/95, D6-5785/97, D6-5386/01 DATED 14-07-2015 ISSUED BY 3RD RESPONDENT UNDER SEC.36 OF THE KERALA REVENUE RECOVERY ACT, 1968 TO THE 1ST PETITIONER.**
- P5 : TRUE COPY OF THE PROHIBITORY ORDER NO.D6-1017/95, D6-6160/95, D6-5785/97, D6-5386/01 DATED 14-07-2015 OF 3RD RESPONDENT ISSUED UNDER SEC.19 OF THE KERALA REVENUE RECOVERY ACT,1968 TO THE 1ST PETITIONER.**
- P6 : TRUE COPY OF THE NOTICE NO.D6-1017/95, D6-6160/95, D6-5785/97, D6-5386/01 DATED 14-07-2015 ISSUED BY 3RD RESPONDENT UNDER THE KERALA REVENUE RECOVERY ACT 1968 TO THE 2ND PETITIONER.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.26248 of 2015

.....
Dated this the 16th day of November, 2015

J U D G M E N T

The petitioners, who had paid amounts due to the respondents under an Amnesty Scheme, approached this Court through the present writ petition aggrieved by proceedings taken under the Revenue Recovery Act for recovery of various amounts from the petitioners. In the writ petition, it is the contention of the petitioners that, inasmuch as they have already paid the entire amounts due to the respondents under the Amnesty Scheme, there is no further amount due from them which can be recovered by resort to recovery proceedings under the Revenue Recovery Act. When the matter was called up for orders today, it is stated by the learned Government Pleader on instructions that the revenue recovery proceedings initiated against the petitioners have since been withdrawn. The writ petition is thus closed by recording the submission of the learned Government Pleader that the recovery steps have been withdrawn and the attachment, over the properties of the petitioners, lifted.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

