

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 28110 of 2015 (K)

PETITIONER(S):

**JAISON MATHEW, TR MILLS BUILDING,
VADAKKENCHERY, PALAKKAD DISTRICT-678 683.**

BY ADV. SRI.TOMSON T.EMMANUEL.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, ALATHUR-678 541,
PALAKKAD DISTRICT.**
- 3. THE VILLAGE OFFICER,
VADAKKENCHERY VILLAGE, ALATHUR TALUK,
ALATHUR-678 683, PALAKKAD DISTRICT.**
- 4. THE DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD -678 001.**
- 5. THE INDIAN OVERSEAS BANK,
REPRESENTED BY THE BRANCH MANAGER,
SULTANPET, CB ROAD BRANCH,
PALAKKAD-678 001.**

**R1 TO R4 BY GOVT. PLEADER SRI.LIJU V.STEPHEN.
R5 BY ADV. SRI.SUNIL SHANKAR, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE NOTICE IN FORM NO.1 DATED 07/08/2015, SERVED ON THE PETITIONER ON 07/09/2015 UNDER SECTION 7 OF THE KERALA REVENUE RECOVERY ACT BY RESPONDENTS 2 AND 3.
- EXT.P2 COPY OF THE NOTICE IN FORM NO.10 DATED 07/08/2015, SERVED TO PETITIONER UNDER SECTION 34 OF THE KERALA REVENUE RECOVERY ACT BY RESPONDENTS 2 AND 3.
- EXT.P3 COPY OF THE APPEAL SUBMITTED BEFORE THE 4TH RESPONDENT BY THE PETITIONER, AGAINST EXT.P1 AND P2 NOTICES ISSUED BY RESPONDENTS 2 AND 3.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 28110 of 2015

Dated this the 17th day of September, 2015

JUDGMENT

The petitioner, who had availed of a vehicle loan, is aggrieved by the revenue recovery steps initiated by the respondents for recovery of defaulted amounts. In the writ petition, the limited prayer of the petitioner is for a direction to the 4th respondent, before whom the petitioner has filed Ext.P3 appeal under Section 72 of the Revenue Recovery Act, to consider and pass orders on the said appeal, expeditiously, after hearing the petitioner.

2. I have heard Sri.Tomson T.Emmanuel, the learned counsel appearing for the petitioner, Sri.Liju V.Stephen, the learned Government Pleader appearing for the official respondents and Sri.Sunilshanker, the learned counsel appearing for the 5th respondent.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 4th respondent to consider and pass orders on Ext.P3 appeal, after hearing the petitioner as well as the 5th respondent, within a period of one month from the date of receipt of a copy of this judgment. I make it clear that, till such

time as orders are passed by the 4th respondent as directed and communicated to the petitioner, recovery steps initiated against the petitioner pursuant to Exts.P1 and P2 notices, shall be kept in abeyance. The petitioner shall produce a copy of the writ petition, together with a copy of this judgment before the 4th respondent, for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das