

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 29483 of 2015 (I)

PETITIONER(S):

**THOMAS GEORGE, AGED 56 YEARS,
S/O. J.GEORGE, RAJAGIRI HOUSE, PERUNNA P.O.,
CHANGANACHERRY, KOTTAYAM.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
KOTTAYAM-686 001.**
- 2. VILLAGE OFFICER,
CHANGANACHERRY-686 101.**
- 3. CONSUMER DISPUTES REDRESSAL COMMISSION,
SISUVIHAR LANE, VAZHUTHACAUD, SASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM-10, REPRESENTED BY ITS PRESIDENT,
PIN-695 010.**
- 4. P.S.JOSE,
S/O. P.J.SEBASTIAN, JOSE VILLA, KAVUMBHAGOM VILLAGE,
THIRUVALLA, PATHANAMTHITTA-689 645.**

R4 BY ADVS. SRI.MVS.NAMBOOTHIRY

SRI.ROHIT C.OOMMEN

R1 & R2 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29483 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE MEMORANDUM OF AGREEMENT DTD.28.1.2013.

P2 : COPY OF THE JUDGMENT DTD.7.12.2012 IN CC NO.33/12.

P3 : COPY OF THE JUDGMENT DTD.10.11.2014 IN WPC NO.27623/2012.

P4 : COPY OF THE EXECUTION PETITION EA 6/14 DTD.20.5.2014.

P5 : COPY OF THE OBJECTION FILED BY THE PETITIONER TO EA 6/14 DTD.26.8.2014.

P6 : COPY OF THE ORDER DTD.11.5.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.29483 of 2015

Dated this the 24th day of November, 2015

JUDGMENT

The petitioner is the execution counter petitioner on the file of the Consumer Disputes Redressal Commission in E.P.No.6/2014 in C.C.No.33/2012. The above Execution Petition has been closed recording that the revenue recovery proceedings are initiated.

According to the petitioner, the matter has been settled as per Ext.P1 agreement and there is a discharge of liability. This Court is of the view that whether there is a settlement and there is a discharge of liability will have to be verified by the Commission after hearing both parties. Therefore, Ext.P6 is set aside. There shall be a direction to the Commission to reconsider the matter after hearing the petitioner as well as the fourth respondent. The parties shall appear before the Commission on 10.12.2015.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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