

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 30395 of 2015 (Y)

PETITIONER :

**SAKARIYA, AGED 47 YEARS,
S/O.BAPPU @ ABDUREHIMAN, KANJANGHAT VALAPPIL HOUSE,
PAVITTAPURAM.P.O., OTHALUR.**

**BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADV. SRI.AJEESH K.SASI**

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, PANNANI, MALAPPURAM, PIN-679 534.**
- 2. THE VILLAGE OFFICER, ALAMKODE,
MALAPPURAM-679 534**
- 3. THE DISTRICT COLLECTOR,
MALAPPURAM-679 534**

BY GOVERNMENT PLEADER SRI.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.30395/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE AWARD DATED 31/03/2014 IN O.P(MV) NO.472, 474 AND 475 OF 2011 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUR.
- P2 COPY OF THE DEMAND NOTICE DATED 10/06/2015 FOR AN AMOUNT OF RS.3,35,200/- ISSUED BY THE 1ST RESPONDENT
- P2(A) COPY OF THE DEMAND NOTICE DATED 10/06/2015 FOR AN AMOUNT OF RS.5,14,303/- ISSUED BY THE 1ST RESPONDENT
- P2(B) COPY OF THE DEMAND NOTICE DATED 10/06/2015 FOR AM AMOUNT OF RS.3,65,594/- ISSUED BY THE 1ST RESPONDENT
- P3 COPY OF THE JUDGMENT DATED 20/03/2013 IN WP(C).NO.7789 OF 2013.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 30395 of 2015

Dated this the 7th day of October, 2015

JUDGMENT

The grievance of the petitioner in the writ petition is that, while Ext.P1 award has been passed by the Motor Accident Claims Tribunal, Tirur, against the petitioner's son, in the revenue recovery proceedings initiated for recovery of the said amounts, the respondents are proceeding against the property of the petitioner.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of the fact that both, in Ext.P1 award as well as in Ext.P2 notice issued under the Kerala Revenue Recovery Act, it is the petitioner's son, who is seen as liable to discharge the dues in respect of the award of the MACT, Tirur, I dispose the writ petition making it clear that the recovery steps for recovery of the award amount, can only be

W.P.(C). No. 30395 of 2015

against the petitioner's son and not against the petitioner or the properties of the petitioner. Clarifying the said position, the writ petition is disposed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das 07.10.2015