

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. 30409 of 2015 (A)

PETITIONER(S) :

**SUDHEESH, AGED 43 YEARS,
S/O.HARIDAS, PARAMEL HOUSE, THIRUVAZHAYODU,
VELLINEZHI, SRIKRISHNAPURAM, CHERPULASSERI,
PALAKKAD DISTRICT, PIN- 679 513.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
PALAKKAD DISTRICT, COLLECTORATE, PALAKKAD- 679 001.**
- 2. THE DEPUTY TAHASILDAR, REVENUE RECOVERY,
OTTAPPALAM TALUK, PALAKKAD DISTRICT-679 101.**
- 3. THE VILLAGE OFFICER, VELLINEZHI VILLAGE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT- 679 101.**

BY GOVERNMENT PLEADER SRI.R.RENJITH

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE DEMAND NOTICE DATED 16.01.2015 U/S.7 OF THE REVENUE RECOVERY ACT ISSUED BY THE WELFARE FUND BOARD.

EXHIBIT P2: THE TRUE COPY OF THE DEMAND NOTICE DATED 16.01.2015 U/S.34 OF THE REVENUE RECOVERY ACT ISSUED BY THE WELFARE FUND BOARD.

EXHIBIT P3: THE TRUE COPY OF THE JUDGMENT DATED 03.09.2015 IN W.P.(C).NO.11380/2015 OF THIS HON'BLE COURT.

EXHIBIT P4: THE TRUE COPY OF THE DEMAND DRAFT DATED 30.09.2015 ISSUED BY THE FEDERAL BANK PURCHASED BY THE PETITIONER.

EXHIBIT P5: THE TRUE COPY OF THE DEMAND NOTICE UNDER SEC.7 OF THE REVENUE RECOVERY ACT DATED 21.07.2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P6: THE TRUE COPY OF THE DEMAND NOTICE DATED 21.07.2015 ISSUED UNDER SEC.34 OF THE REVENUE RECOVERY ACT BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 30409 of 2015

Dated this the 7th day of October, 2015

JUDGMENT

In the writ petition, the petitioner is aggrieved by Ext.P5 demand notice issued under the Kerala Revenue Recovery Act, seeking recovery of an amount of Rs.53,694/- together with interest and other charges towards the alleged welfare fund dues, that remain outstanding from the petitioner. The limited prayer of the petitioner is for the grant of a facility of installments, to discharge the liability in Exts.P5 and P6 notices.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Government Pleader appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking into account that the financial hardship urged on behalf of the petitioner, I dispose the writ petition permitting the petitioner to discharge the liability in Exts.P5 and P6 notices in three equal and successive monthly installments commencing from 01.11.2015. Recovery steps pursuant to Exts. P5 and P6 notices shall be kept in abeyance during the aforesaid period.

It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das 07.10.2015