

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

WP(C).No. 30701 of 2015 (K)

PETITIONER(S):

**A.M.ANWAR, AGED 43 YEARS, S/O.MOHAMMED,
MANAGING PARTNER, MEDI TECH CHEMICALS,
INDUSTRIAL ESTASTE, AROOR P.O., ALAPPUZHA-688534.**

BY ADV. SRI.R.RAJESH

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, CHERTHALA, CHERTHALA P.O., ALAPPUZHA DISTRICT.**
- 2. THE VILLAGE OFFICER, AROOR VILLAGE OFFICE,
AROOR, ALAPPUZHA DISTRICT-688534.**
- 3. THE NEW INDIA ASSURANCE CO.LTD.,
COCHIN DIVISIONAL OFFICE,
KOTTACKAL ARYA VAIDYA SALA BUILDING,
M.G.ROAD, KOCHI-16.**

**R1 & 2 BY GOVERNMENT PLEADER SRI.RENJITH
R3 BY SRI.A.A.ZIYAD RAHMAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE DEMAND NOTICE UNDER SECTION 7 HAVING THE COLLECTORATE FILE NO.2015/41966/4 ISSUED BY THE R1 DATED 19/9/15**
- P2: COPY THE DEMAND PRIOR TO ATTACHMENT OF LAND UNDER SECTION 34 ISSUED BY THE R1 DATED 19/9/15**
- P3: COPY OF THE AWARD IN OPMV.744/2012 ON THE FILE OF MOTOR ACCIDENTS CLAIM TRIBUNAL ERNAKULAM**
- P4: COPY OF THE PERMIT NO.P.GD32/647/2011 ISSUED BY RTA CHERTHALA DATED 28/4/11**
- P5: COPY OF THE SCREEN SHOT OF THE PARTICULARS CERTIFICATE OF FITNESS OF THE OFFENDING VEHICLE BEARING REGISTRATION NO.KL7/BA2742**
- P6: COPY OF THE IA NO.6944/15 FOR SETTING ASIDE EX-PARTE AWARD**
- P7: COPY OF THE IA.6943/15 FOR CONDONING THE DELAY.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 30701 of 2015

Dated this the 9th day of October, 2015

JUDGMENT

The petitioner in the writ petition is aggrieved by the revenue recovery steps initiated against him by Exts.P1 and P2 notices for recovery of amounts, that are confirmed against the petitioner by an award of the Motor Accident Claims Tribunal, Ernakulam. It is the case of the petitioner that the award was passed ex-parte and the petitioner has moved Exts.P6 and P7 interlocutory applications before the Motor Accident Claims Tribunal, Ernakulam for setting aside the ex-parte order, as also condonation of delay in approaching the Motor Accident Claims Tribunal for setting aside the award. The limited prayer of the petitioner in the writ petition is to keep in abeyance the revenue recovery proceedings, till such time as Exts.P6 and P7 applications are considered by the Motor Accident Claims Tribunal.

2. I have heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the 3rd respondent as also the learned Government Pleader appearing for the official respondents.

On a consideration of the facts and circumstances of the case

as also the submissions made across the bar, I dispose the writ petition with a direction to the Motor Accident Claims Tribunal, Ernakulam to consider and pass orders on Exts.P6 and P7 applications filed by the petitioner, within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner. I make it clear that the revenue recovery steps, pursuant to Exts.P1 and P2 shall be kept in abeyance, till such time as orders are passed by the Tribunal, as directed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE