

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31442 of 2015 (E)

PETITIONER(S) :

**RANGANAYAKI,
W/O.PALANISAMY.N, URKULAMKADE,
GOVINDAPURAM P.O., ATTAYAMPATHI, MUTHALAMADA,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SUBHASH CYRIAC
SMTSHEEBA JOSEPH**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
PALAKKAD- 678 001.**
- 2. THE TAHSILDAR, (REVENUE RECOVERY),
CHITTUR, PALAKKAD- 678 101.**
- 3. THE VILLAGE OFFICER,
MUTHALAMADA-1, PALAKKAD- 678 507.**

BY GOVERNMENT PLEADER SMT.K.T.LILLY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 31442 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF REGISTRATION CERTIFICATE OF THE VEHICLE
KL-09-AE-2828.**

EXHIBIT P2: TRUE COPY OF THE CLAIM PETITION.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.31442 OF 2015 (E)

Dated this the 15th day of October, 2015

J U D G M E N T

The grievance of the petitioner in the writ petition is that the respondents are proceeding against the vehicle owned by the petitioner for recovery of alleged dues that are due from the petitioner's husband. The prayer in the writ petition is for a direction to the respondents to release the vehicle that belongs to the petitioner, the possession of which is already been taken by the 2nd respondent.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader for the 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 by declaring that the respondents cannot proceed against the personal property of the petitioner for recovery of the dues owed from her husband. If the petitioner produces evidence to show that the vehicle, the possession of which has been taken, is registered in her name, as appears from Ext.P1 registration certificate, then the respondents shall promptly release the vehicle

to the petitioner and further, desist from proceeding against other properties of the petitioner for realisation of the dues owing from her husband.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/16/10/15