

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 32842 of 2014 (E)

PETITIONER(S):

**PREETHA K.S., D/O.SANKARAN,
MELEPURACKAL HOUSE, KARIYANNUR,
ERUMAPETTY P.O., THRISSUR - 680 584.**

**BY ADVS.SRI.C.HARIKUMAR,
SMT.C.B.ANUROOPA.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THRISSUR - 680 003.**
- 2. DEPUTY DIRECTOR OF PANCHAYATH,
OFFICE OF THE DEPUTY DIRECTOR OF PANCHAYATH,
THRISSUR - 680 003.**
- 3. ERUMAPETTY GRAMA PANCHAYATH,
REPRESENTED BY THE SECRETARY, THRISSUR - 680 584.**
- 4. SUDHEESH KUMAR, VETERINARY SURGEON,
VETERINARY HOSPITAL, ERUMAPETTY,
THRISSUR - 680 584.**
- 5. DEPUTY TAHSILDAR (REVENUE RECOVERY),
THALAPPALLY TALUK, THRISSUR - 680 586.**
- 6. VILLAGE OFFICER, KARIYANNUR VILLAGE,
ERUMAPETTY, THRISSUR - 680 584.**

**R1, R2, R5 & R6 BY GOVT. PLEADER SRI.ABHIJETT LESLI.
R3 BY ADV. SRI.SHOBY K.FRANCIS.
R4 BY ADV. SRI.RAJIT.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: THE TRUE COPY OF THE NOTICE DATED 23/05/2014 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P2: THE TRUE COPY OF THE NOTICE DATED 23/10/2014 UNDER SECTION 34 OF THE REVENUE RECOVERY ACT ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT P3: THE TRUE COPY OF THE FIR IN CRIME NO. 699 OF 2014 OF THE ERUMAPETTY POLICE STATION.
- EXHIBIT P4: THE TRUE COPY OF THE FIR IN CRIME NO. 1113 OF 2014 OF THE ERUMAPETTY POLICE STATION.
- EXHIBIT P5: THE TRUE COPY OF THE REPRESENTATION DATED 01/12/2014 ALONG WITH RECEIPT OF ACKNOWLEDGMENT PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P6: THE TRUE COPY OF THE REPRESENTATION DATED 01/12/2014 ALONG WITH RECEIPT OF ACKNOWLEDGEMENT PREFERRED BY THE PETITIONER PENDING BEFORE THE 1ST RESPONDENT.
- EXHIBIT P7: THE TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER DATED 18/11/2010.

RESPONDENT'S EXHIBITS:-

- EXT.R4A COPY OF THE RECEIPT DATED 09/04/2012.
- EXT.R4B COPY OF THE UNDERTAKING EXECUTED BY THE PETITIONER.
- EXT.R4C COPY OF THE CERTIFICATE OF THE INSURANCE ISSUED BY THE UNITED INDIA INSURANCE COMPANY TO THE PETITIONER.
- EXT.R4D COPY OF THE DECISION OF THE MONITORING COMMITTEE.
- EXT.R4E COPY OF THE DECISION OF THE MONITORING COMMITTEE.
- EXT.R4F COPY OF THE DOCUMENT.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.32842/2014**  
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Dated this the 29th Day of June, 2015

J U D G M E N T

The petitioner, challenging revenue recovery proceedings, has approached this Court. Her case is that she is not liable to pay any amount as demanded. It appears that the revenue recovery proceedings are initiated to recover the amount advanced by the third respondent-Panchayat to the petitioner for purchasing a cow under a Scheme for farmers. The learned counsel for the petitioner submits that for the purchase of cow, though the petitioner had given signed blank stamp paper, no cow was given to her. She preferred a complaint before the police and investigation is going on. The learned counsel for the petitioner further submits that there are several complaints filed by certain other persons also in similar matter. According to the petitioner, the fourth respondent-Veterinary Surgeon is the main culprit.

2. The learned counsel for the fourth respondent submits that the cow was taken away by the petitioner when he was the Veterinary Surgeon and one of the members of the Monitoring Committee to monitor the Scheme.

3. Considering the facts and circumstances, I am of the view that the petitioner has to set out objections before the District Collector, Thrissur. Such objections shall be submitted within two weeks from the date of receipt of a copy of this judgment. Thereafter, the District Collector shall inquire into the matter as to the veracity of the complaint and take appropriate decision after hearing the petitioner, the third respondent and the fourth respondent within a further period of six weeks. The further recovery proceedings shall only be as per the permission granted by the District Collector.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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