

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 36900 of 2009 (F)

PETITIONER(S) :

M.N.LEELA,
MUTHIRAMKUNNU,
ANAKKAL P.O., MALAMPUZHA,
PALAKKAD.

BY ADVS.SRI.P.BABU KUMAR
SRI.P.YADHU KUMAR.

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD.
2. THE THAHSILDAR,
TALUK OFFICE PALAKKAD.
3. THE BLOCK DEVELOPMENT OFFICER,
MALAMPUZHA.

R3 BY ADV. SRI.P.K.MOHANAN (PALAKKAD) &
BY GOVERNMENT PLEADER SMT.M.T.SHEEBA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE CARD ISSUED BY THE MALAMPUZHA GRAMA
PANCHAYAT TO PETITIONER DATED NIL.

EXT. P2- TRUE PHOTOCOPY OF THE RR NOTICE ISSUED BY 2ND
RESPONDENT TO THE PETITIONER DATED 02/06/2009.

RESPONDENT(S) ' EXHIBITS :

EXT. R3(A) - TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER
TO THE 36RD RESPONDENT DATED 20/02/2008.

EXT. R3(B) - TRUE COPY OF THE UNDERTAKING GIVEN BY THE PETITIONER
TO THE 3RD RESPONDENT DATED 20/02/2008.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.36900 of 2009

Dated this the 21st day of May, 2015

J U D G M E N T

The petitioner is a beneficiary of the 'Indira Avas Yogana', a scheme for providing grant for the poor people for construction of the house. The petitioner was granted ₹20,000/- for the same. Based on the above, the petitioner has constructed basement. Expending money from her hand, she had made certain other constructions. But, due to hospitalisation she could not complete the entire construction. The petitioner approached this Court, when revenue recovery proceedings were initiated against her.

2. The petitioner submits that, she has no other means to pay off the liability. Therefore, the entire revenue recovery proceedings initiated against her shall be quashed.

3. Considering the facts and circumstances of the case, I am of the view that the petitioner belongs to the poor strata of the society and state has bestowed benevolence by extending financial assistance for construction, the petitioner is entitled for a reconsideration of the demand now raised. Taking note of the factual aspects of the petitioner a decision shall be taken in the matter as to whether the amount could be waived or not. Therefore, the petitioner shall approach the District Collector, Palakkad with a representation within one month from the date of receipt of a copy

of this judgment. Thereafter, the District Collector shall consider the same and also find out whether the grievance of the petitioner can be included in any of the schemes of the Government for waiver and appropriate decision shall be taken in the matter. Till final decision is taken on the request of the petitioner, all revenue recovery proceedings against the petitioner shall be kept in abeyance. It is made clear that, if the petitioner fails to approach the District Collector within the time stipulated, the respondents are free to proceed with further steps.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV