

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 33586 of 2015 (W)

PETITIONER :

**UMMER P., AGED 45 YEARS,
S/O. KUNJALAN, PONNETH HOUSE, KARKKIDAMKUNNU P.O.,
ALANELLUR, MANNARKKAD, PALAKKAD DISTRICT-678 601.**

**BY ADVS.SRI.M.I.JOHNSON
SRI.T.K.MOIDEEN KUTTY**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR
PALAKKAD-678 601.**
- 2. THE TAHSILDAR (REVENUE RECOVERY)
MANNARKAD-678 601.**
- 3. THE VILLAGE OFFICER,
ALANELLUR, MANNARKKAD-678 601.**

R1 TO R3 BY GOVERNMENT PLEADER SMT. LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE DEMAND NOTICE DATED 4/2/2015.
- EXT.P2: TRUE COPY OF THE DOCUMENT NO.130/2001 OF SRO ALANELLUR
- EXT.P3: TRUE COPY OF THE BUILDING TAX DEMAND DATED 7/3/2015
- EXT.P4: TRUE COPY OF THE RECEIPT DATED 25/3/2015 EVIDENCING PAYMENT
OF BUILDING TAX

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.33586 of 2015

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Dated this the 25th day of November, 2015

J U D G M E N T

The petitioner in the writ petition is aggrieved by the revenue recovery steps initiated against his properties, movable and immovable, for recovery of amounts due from his wife pursuant to an award passed by the Motor Accidents Claims Tribunal, Ottappalam. It is stated that pursuant to the recovery steps initiated against his wife, the respondents are attempting to remove the movable properties that belong to him, from his house.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that for recovery of amounts due from the wife of the petitioner, only such properties, movable and immovable, as belong to the wife of the petitioner can be proceeded against. The respondents can proceed against the properties of the petitioner only in the event of their establishing that there has been a fraudulent transfer of property, from the wife to the petitioner, under Section 44 of the Revenue Recovery Act. I, therefore, dispose the writ petition making it clear

that, in the absence of any action under Section 44 of the Revenue Recovery Act, the respondents shall refrain from proceeding against the properties, movable and immovable, of the petitioner for realisation of the dues pertaining to the wife of the petitioner.

The writ petition disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/25.11.2015

