

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 33917 of 2015 (L)

PETITIONER :

**P.PRAJAN,
S/O. PADMANABHAN, AGED 55 YEARS,
PALLATH HOUSE, KUNNAKURUDI,
IRAPURAM, P.O., ERNAKULAM DISTRICT - 683 541 (SECRETARY,
AYAVANA GRAMA PANCHAYAT, AYAVANA P.O., MUVATTUPUZHA,
ERNAKULAM DISTRICT)**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
LOCAL FUND AUDIT, VIKAS BHAVAN,
THIRUVANANTHAPURAM - 695 001.**
- 3. KUZHIMANNA GRAMA PANCHAYAT,
KUZHIMANNA P.O., MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN - 673 641.**
- 4. K.P. MUHAMMEDKUTTY,
KOTTAKUNNU HOUSE, ALINCHUVADU, KUZHIMANNA P.O.,
MALAPPURAM - 673 641.**
- 5. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, TALUK OFFICE, KUNNATHUNADU,
PERUMBAAVOOR - 683 542.**

R1 & R2,R5 BY GOVERNMENT PLEADER SRI.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT, UPON RECEIVING RS.18,750/-
- P2- TRUE COPY OF THE PROCEEDINGS OF THE ASSISTANT ENGINEER OF KUZHIMANNA GRAMA PANCHAYATH SUBMITTED TO THE SECRETARY OF THE PANCHAYATH
- P3- TRUE COPY OF THE PROCEEDINGS BEARING NO. LFM 7/1229/2012 ISSUED BY THE AUDIT PARTY UNDER THE 2ND RESPONDENT.
- P4- TRUE COPY OF THE PROCEEDINGS DATED 16/07/2013 ISSUED BY THE 2ND RESPONDENT.
- P5- TRUE COPY OF THE EXPLANATION DATED 25/11/2013 OFFERED BY THE PETITIONER
- P6- TRUE COPY OF THE PROCEEDINGS DTED 09/03/2015 ISSUED BY THE 2ND RESPONDENT.
- P6(A)- TRUE COPY OF THE SURCHARGE CERTIFICATE DATED 09/03/2015 ISSUED BY THE 2ND RESPONDENT.
- P7- TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED 11/09/2015 ISSUED BY THE 6TH RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.33917 of 2015

Dated this the day of November 2015

JUDGMENT

In the writ petition, the petitioner, who was working as the Secretary of Kuzhimanna Grama Panchayat during the period 31.05.2008 to 22.06.2009, is aggrieved by Exts.P6 and P6(a) orders that have been passed against him by the Local Fund Audit Directorate, fixing a liability on him in connection with certain works that was undertaken on behalf of the Panchayat. While various contentions are raised in the writ petition against Exts.P6 and P6(a) orders, as also Ext.P7 demand notice issued to the petitioner under the Revenue Recovery Act, I find that the petitioner has an effective alternate remedy against Ext.P6 order, by way of an appeal to be preferred before the District Court, in accordance with the Section 215 (11) of the Kerala Panchayat Raj Act, 1994. Accordingly, I am of the view that the petitioner ought to be relegated to his alternate remedy against Ext.P6 order before the District Court. To enable the petitioner to pursue his alternate remedy against Exts.P6 and P6(a) orders, I stay recovery proceedings pursuant to Ext.P7 notice, for a period of one month from the date of receipt of a copy of this judgment. I make it clear

that if the petitioner prefers an appeal before the District Court within the aforesaid period of one month, then the said appeal will be treated as one filed within time, for the purposes of the Panchayat Raj Act.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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