

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 34334 of 2015 (N)

PETITIONER(S) :

**SOMAN, AGED 44 YEARS,
S/O.RAJAPPAN PILLAI, HOUSE NO.01-295,
THENGANAL (H) HOUSE, PAMPUPARA P.O., PIN- 686 681,
IDUKKI DISTRICT.**

**BY ADVS.SRI.JOBI.A.THAMPI
SRI.U.R.HARSHAKUMAR**

RESPONDENT(S) :

- 1. DEPUTY TAHSILDAR, REVENUE RECOVERY,
NEDUMKANDAM, IDUKKI DISTRICT, PIN- 685 553.**
- 2. KUMAR @ RATHEESH, S/O.CHURALIL,
MALIKA BHAVAN SULTHANKADA, PAMPUPARA KARA,
ANAKKARA VILLAGE, IDUKKI DISTRICT, PIN- 686 681.**
- 3. THE MANAGER NEW INDIA ASSURANCE,
STAR BUILDING 2ND FLOOR, CHENATTUMATTOM JUNCTION,
KATTAPPANA, PIN- 685 508.**
- 4. MASILAMANI, S/O.KRISHNAMOORTHY,
DOOR NO.94, PUTHU COLONY STREET,
15 VELAMPALAYAM KARA, THIRUPU DISTRICT,
PIN- 641 562, TAMILNADU STATE.**

**R1 BY GOVERNMENT PLEADER SMT.LILLY.K.T
R3 BY ADV. SRI.A.A.ZIYAD RAHMAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE COPY OF THE COMMON ORDER PASSED IN
O.P(MV)NO.1131/2012, O.P(MV)NO.1148/2012 & O.P.(MV)
NO.1160/2012 BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
- EXT.P2: TRUE COPY OF THE SALE AGREEMENT DATED 26.07.2011
EXECUTED BETWEEN THE PETITION AND THE 5TH RESPONDENT.
- EXT.P3: TRUE COPY OF THE COMPLAINT DATED 27.12.2011 SUBMITTED
BY THE PETITIONER BEFORE THE JOINT REGIONAL TRANSPORT
OFFICER, VANDIPERIYAR.
- EXT.P4: THE COPY OF I.A.NO.3032/2015 IN O.P.NO.1131/2012 PRAYING TO
SET ASIDE EXT.P1 EXPARTE AWARD PENDING BEFORE
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA.
- EXT.P4(A): THE COPY OF I.A.NO.3029/2015 IN O.P.NO.1160/2012 PRAYING TO
SET ASIDE EXT.P1 EXPARTE AWARD PENDING BEFORE
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA.
- EXT.P4(B): THE COPY OF I.A.NO.3036/2015 IN O.P.NO.1148/2012 PRAYING TO
SET ASIDE EXT.P1 EXPARTE AWARD PENDING BEFORE
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA.
- EXT.P5: TRUE COPY OF THE DEMAND NOTICE DATED 29.07.2015
DEMANDING AN AMOUNT OF RS.66,688/- ISSUED BY
1ST RESPONDENT U/S 7 & 34 OF THE REVENUE RECOVERY ACT.
- EXT.P5(A): TRUE COPY OF THE DEMAND NOTICE DATED 29.07.2015
DEMANDING AND AMOUNT OF RS.23,097/- ISSUED BY
1ST RESPONDENT U/S 7 & 34 OF THE REVENUE RECOVERY ACT.
- EXT.P5(B): TRUE COPY OF THE DEMAND NOTICE DATED 29.07.2015
DEMANDING AND AMOUNT OF RS.22,457/- ISSUED BY
1ST RESPONDENT U/S 7 & 34 OF THE REVENUE RECOVERY ACT.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.34334 OF 2015

Dated this the 13th day of November, 2015

J U D G M E N T

The petitioner, who is faced with recovery steps under the Revenue Recovery Act for recovery of amounts confirmed against him by an award of the Motor Accidents Claims Tribunal [MACT], Pala, seeks a direction to the MACT, Pala, before which the petitioner has preferred Ext.P4 series of interlocutory applications praying to set aside Ext.P1 ex parte award to dispose the said applications expeditiously. The petitioner also prays that till such time as the MACT, Pala, passes orders in Ext.P4 series of interlocutory applications, the revenue recovery steps initiated against him through Ext.P5 series of notices be kept in abeyance.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader for the 1st respondent as also the learned Standing counsel for the 3rd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking into account the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with a direction to the MACT, Pala, to consider and pass orders on Ext.P4 series of interlocutory

applications stated to be pending before it, within a period of three months from the date of receipt of a copy of this judgment. I make it clear that recovery steps initiated against the petitioner by Ext.P5 series of demand notices shall be kept in abeyance till such time as orders are passed by the MACT, Pala, in Ext.P4 series of interlocutory applications. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the MACT, Pala, for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

