

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 34424 of 2015 (C)

PETITIONER :

**C.P. DEVAKI AMMAL,
W/O C.P. APPUGUPTHAN (LATE),
CHUNGATH PALOOTTIL HOUSE
PALODU P.O., MANNARKKAD COLLEGE VIA.,
PALAKKAD.**

BY ADV. SRI.MAHESH V. RAMAKRISHNAN

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR,
PALAKKAD, CIVIL STATION P.O., PALAKKAD-678001.**
- 2. THE TAHSILDAR,
MANNARKKAD TALUK, P.O. MANNARKKAD,
PALAKKAD-678582.**
- 3. THE VILLAGE OFFICER,
THACHANATTUKARA VILLAGE,
PALAKKAD DISTRICT-678 582.**
- 4. THE STATE BANK OF TRAVANCORE,
MANNARKKAD BRANCH, REPRESENTED BY ITS MANAGER
MANNARKKAD P.O., PALAKKAD-678582.**
- 5. SRI.KUNHUNNI GUPTHAN,
S/O.C.P APPUGUPTHAN (LATE), SREENILAYAM
CHUNDATH PALOTTIL, PALOD P.O., MANNARKKAD COLLEGE VIA.,
PALAKKAD-678583.**

**R1 TO R3 BY GOVT. PLEADER SMT. K.T. LILLY
R4 BY SENIOR ADVOCATE SRI.T.SETHUMADHAVAN
BY ADV. SRI. JAYESH MOHAN KUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 34424 of 2015 (C)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 TRUE COPY OF THE REGD. GIFT DEED NO.6443 OF 1996, S.R.O.,
 MANNARKKAD EXECUTED BY THE PETITIONER IN FAVOUR OF THE
 5TH RESPONDENT.
- EXT. P2 TRUE COPY OF THE PRELIMINARY DECREE DATED 28-11-2007 IN
 O.S.181 OF 2005 ON THE FILE OF THE MUNSIF-MAGISTRATE COURT,
 MANNARKKAD.
- EXT. P3 TRUE COPY OF THE INTERIM ORDER DATED 02-11-2007 PASSED BY
 THE SUB COURT, OTTAPALAM IN O.S.NO.183 OF 2007.
- EXT. P4 TRUE COPY OF THE MEMORANDUM OF EQUITABLE MORTGAGE
 DATED 19-07-2010 EXECUTED BY THE 5TH RESPONDENT IN FAVOUR
 OF THE 4TH RESPONDENT.
- EXT. P5 TRUE COPY OF THE REPRESENTATION DATED 15-10-2015 SUBMITTED
 BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 34424 of 2015

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner approached this Court apprehending recovery action by the respondents, in terms of Revenue Recovery Act, against the properties belonging to her, for realisation of the alleged dues owing from the petitioner's son. The learned Government Pleader on instructions, submits that the revenue recovery action contemplated is only against the property of the defaulter, namely the petitioner's son, and not against the property of the petitioner. Taking note of the said submission of the learned Government Pleader, I close the writ petition by making it clear that the recovery steps pursuant to the revenue recovery notices impugned in the writ petition, can proceed only against the properties, movable or immovable, of the petitioner's son and other defaulters, and not against the like properties of the petitioner. It is further made clear that nothing in this judgment shall stand in the way of the respondents proceeding against such other properties as are covered by the provisions of Section 44 of the Revenue Recovery Act.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE