

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 34747 of 2015 (P)

PETITIONER(S):

RAVEENDRAN NAIR, AGED 58 YEARS
S/O.RAMAKRISHNAN NAIR, KIZHAKKEDATHU MATTATHIL (H)
VARANAD P.O., CHERTHALA, ALAPPUZHA
PIN: 688 543.

BY ADVS.SRI.SANJAY THAMPI
SRI.M.RETHEESHKUMAR

RESPONDENT(S):

1. THE DISTRICT COLLECTOR
COLLECTORATE, ALAPPUZHA 688 001.

2. THE DEPUTY TAHSILDAR
REVENUE RECOVERY, TALUK OFFICE, CHERTHALA PIN: 688 524.

3. THE VILLAGE OFFICER
KOKKOTHAMANGALAM VILLAGE OFFICE, KOKKOTHAMANGALAM
CHERTHALA, PIN: 688 543.

4. THE MANAGER
NATIONAL INSURANCE COMPANY LTD., DIVISION OFFICE
P.B.NO.157, 1ST FLOOR, PARAMESWARA PILLAI BHAVAN
HOSPITAL ROAD, KOLLAM.

5. SYAMALA K, AGED 58 YEARS
W/O.RAVEENDRAN NAIR
KIZHAKKEDATHU MATTATHIL (H)VARANAD P.O., CHERTHALA
ALAPPUZHA PIN: 688 543.

BY GOVERNMENT PLEADER SRI.R.RANJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 34747 of 2015 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: TRUE COPY OF THE AWARD PASSED BY MOTOR ACCIDENTS CLAIMS TRIBUNAL,
ALAPPUZHA DATED 28/02/2008.

P2: TRUE COPY OF THE LICENSE PARTICULARS OF MR.SOJU, S/O.JOSEPH

P3: TRUE COPY OF THE DEMAND NOTICE DATED 23/8/2015 ISSUED BY THE 3RD
RESPONDENT U/S 7 OF REVENUE RECOVERY ACT

P4: TRUE COPY OF THE RELEASE DEED NO.3719/1989 OF CHERTHALA SUB
REGISTRAR OFFICE

P5: TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE SECRETARY,
THANNERMUKKAM GRAMA PANCHAYAT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.34747 of 2015

.....
Dated this the 24th 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, Alappuzha. 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

xxx