

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 35360 of 2015 (T)

PETITIONER(S):

**K T SEENATH AGED 51 YEARS
W/O.LATE C.D.GOPI, SWARAJ BHAVAN
KADAKKARAPALLY VILLAGE, THAIKKAL.P.O., CHERTHALA
ALAPPUZHA.**

**BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA
SRI.T.KABIL CHANDRAN
SMT.B.T.PRASANNA
SMT.K.U.HASEENA
SRI.KRISHOB K.NAIR**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY SECRETARY, REVENUE DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.**
- 2. LAND REVENUE COMMISSIONER
UCM JUNCTION, TRIVANDRUM - 695 001**
- 3. DISTRICT COLLECTOR
ALAPPUZHA - 688 001**
- 4. THE DEPUTY TAHASILDAR
REVENUE RECOVERY(R.R), KSFE, COURT ROAD
ALAPPUZHA - 688 001**
- 5. THE MANAGER
KSFE, CHERTHALA BRANCH, ALAPPUZHA - 688 001**
- 6. SRI.MARTIN PETER, AGED 50 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER
THANIKAL HOUSE, ANDHAKARANAZHIL, CHERTHALA
ALAPPUZHA DISTRICT-688 531.**

**R5 BY ADV. SRI.A.M.ANTONY, SC, KERALA STATE FINANCIAL ENTERPRISES
R5 BY SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL ENTERPRISES
R1-R4 BY SMT.LILLY K.T., GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 35360 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- COPY OF THE NOTICE ALLEGEDLY PUBLISHED PRIOR TO THE AUCTION.**
- P2- COPY OF THE LETTER.**
- P3- COPY OF THE REVISION PETITION.**
- P4- COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 20.6.2015.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).No.35360 of 2015

Dated this the 23rd day of November, 2015

JUDGMENT

In the writ petition, the petitioner challenges Ext.P4 order passed by the 2nd respondent in a revision petition preferred by the petitioner against an order of the 4th respondent under the Kerala Revenue Recovery Act, hereinafter referred to as 'the RR Act'.

2. Although various contentions are raised in the writ petition against Ext.P4 order, I find that, in terms of Section 83 (2) of the RR Act, the petitioner has an effective alternate remedy of preferring a revision before the State Government. Accordingly, I see no reason to interfere with Ext.P4 order at this stage in these proceedings under Article 226 of the Constitution of India. Thus, relegating the petitioner to the alternate remedy of preferring a further revision under Section 83(2) of RR Act, before the State Government, I dismiss the writ petition,

in its challenge against Ext.P4 order. In order to enable the petitioner to pursue the alternate remedy before the State Government, I direct that recovery steps for recovery pursuant to Ext.P4 order of the 2nd respondent shall be kept in abeyance for a period of three weeks from the date of receipt of a copy of this judgment.

SD/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

JV