

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 36804 of 2015 (A)

PETITIONER(S):

**SHAJITHA, W/O. SULAIMAN,
KUNNATH VEEDU, AGED 32 YEARS, CHUNANGAD,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT(S):

**1. THE DEPUTY TAHSILDAR (RR),
OTTAPALAM, PALAKKAD - 679 101.**

**2. THE NATIONAL INSURANCE CO LTD.,
ALUVA, ERNAKULAM - 683 101.**

**R1 BY GOVT. PLEADER SMT.LILLY K.T.
R2 BY ADV. SRI.M.A.GEORGE, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 36804 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - A TRUE COPY OF THE AWARD OF THE MACT PALAKKAD IN
OP(MV) NUMBER 691/2007.**
- P2 - A TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED APRIL 10, 2015 IN M.A.C.A NUMBER 1413/2012.**
- P3 - A TRUE CPY OF THE REVENUE RECOVERY DEMAND NOTICE U/S 7
AND 34 OF THE REVENUE RECOVERY ACT ISSUED BY THE
1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36804 of 2015

Dated this the 4th day of December, 2015

JUDGMENT

The petitioner is aggrieved by the revenue recovery action initiated against her by Ext.P3 revenue recovery notice for recovery of amounts confirmed against her by Ext.P1 award of the Motor Accident Claims Tribunal, Palakkad, in OP(MV) No.691 of 2007. In the writ petition, it is the case of the petitioner that Ext.P1 award was since modified by Ext.P2 judgment of this Court, whereby this Court, after enhancing the amount of compensation, ordered that the entire compensation should be borne by the Insurance Company and thereby, exonerating the petitioner from making any of the payments.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the 1st respondent as also the learned Standing Counsel appearing for the 2nd respondent.

It is apparent from a perusal of Ext.P3 revenue recovery notice that the revenue recovery notice was issued pursuant to Ext.P1 award and without taking note of the subsequent developments as evidenced by Ext.P2 judgment of this Court.

Under the said circumstances, I am of the view that, Ext.P3 revenue recovery notice cannot be legally sustained. Accordingly, I quash Ext.P3 notice and dispose the writ petition by making it clear that the recovery proceedings, if any, can be initiated only on the basis of the directions in Ext.P2 judgment of this Court.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE