

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38400 of 2015 (Y)

WRIT PETITIONERS:-

1. M.K.VIJAYARAJAN, S/O.KESAVAN,AGED 68 YEARS,
'SINI NILAYAM', MALLASSERRY P.O.,
PRAMADAM VILLAGE, KONNI TALUK,
PATHANAMTHITTA - 689 646.

2. MILLU S LAL, D/O.SINILAL, AGED 22 YEARS,
'SINI NILAYAM', MALLASSERRY P.O.,
PRAMADAM VILLAGE, KONNI TALUK,
PATHANAMTHITTA - 689 646.

3. MILAN S LAL,S/O.SINILAL, AGED 19 YEARS,
'SINI NILAYAM', MALLASSERRY P.O.,
PRAMADAM VILLAGE, KONNI TALUK,
PATHANAMTHITTA - 689 646.

BY ADVS.SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY
SRI.BIJISH B.TOM
SRI.JACOB TOMLIN VARGHESE
SMT.NEVIS CASSANDRA L COXTON LORETTA

RESPONDENTS:-

1. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTORATE,
PATHANAMTHITTA - 689 645.

2. THE DEPUTY TAHZILDHAR (RR),
OFFICE OF THE DEPUTY TAHZILDHAR,
PATHANAMTHITTA - 689 646.

3. THE VILLAGE OFFICER, PRAMADAM VILLAGE,
OFFICE OF THE VILLAGE OFFICER,
PATHANAMTHITTA - 689 646.

4. THE CHIEF MANAGER,
STATE BANK OF INDIA, PATHANAMTHITTA BRANCH,
PATHANAMTHITTA - 689 645.

R1 TO R3 BY GOVERNMENT PLEADER SMT. LILLY.K.T
R4 BY SRI.R.S.KALKURA, SC, SBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 38400 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE DEMAND NOTICE DATED 21.10.2014 ISSUED BY
THE 2ND RESPONDENT.

EXHIBIT P2. TRUE COPY OF THE DEMAND NOTICE PRIOR TO ATTACHMENT OF
LAND DATED 21.10.2015 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE OBJECTION DATED 11.11.2015 SUBMITTED BY
THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P4. TRUE COPY OF THE SETTLEMENT DEED DATED 28.09.2015
REGISTERED WITH THE PATHANAMTHITTA SUB REGISTRY.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.38400 of 2015

Dated this the 17th day of December 2015

JUDGMENT

Against Exts.P1 and P2 demand notices under the Revenue Recovery Act that were served on the petitioners, the petitioners have preferred Ext.P3 objection under Section 34 of the Revenue Recovery Act, before the 2nd respondent. The limited prayer of the petitioners in the writ petition is for a direction to the 1st respondent to consider and pass orders on Ext.P3 objection, after hearing the petitioners and the 4th respondent.

2. I have heard the learned counsel for the petitioners, the learned Government Pleader for respondents 1,2 and 3 and Sri.R.S.Kalkura, the learned standing counsel for respondent 4.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I direct the 1st respondent to consider and pass orders on Ext.P3 objection, after hearing the petitioners and the 4th respondent, within a period of one month from the date of receipt of a copy of this judgment. It is made clear that till such time as orders are passed by the 1st

respondent as directed, and communicated to the petitioners, coercive steps for recovery pursuant to Exts.P1 and P2 demand notices shall be kept in abeyance. The petitioners shall produce a copy of this writ petition along with a copy of this judgment before the 1st respondent for further action.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/