

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 30TH JANUARY 2009 / 10TH MAGHA 1930

WP(C).No. 3136 of 2009(W)

PETITIONER(S):

MATHEW, THEVALAKKARA HOUSE,
BEAT NO. 6, CHANGANACHERRY P.O.,
CHANGANACHERRY.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENT(S):

1. VARKEY JOSEPH, PERUMBRAIYIL HOUSE,
VALAVOOR P.O., VALLICHIRA VILLAGE,
MEENACHIL TALUK, KOTTAYAM.
2. AVINASH, S/O. GEORGE, VADAYATTUKUNNEL
HOUSE, VENGALLOOR, KUMARAMANGALAM VILLAGE.
3. DEPUTY TAHSILDAR, (REVENUE
RECOVERY), CHANGANACHERRY.

BY GOVT. PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/01/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No. 3136 of 2009

Dated this the 30th day of January, 2009

JUDGMENT

Award is passed against the petitioner's son by the MACT, Pala. The complaint of the petitioner is that recovery is directed against the petitioner for the amount payable by the son of the petitioner, who is presently employed in Gulf.

2. I heard learned Government Pleader also. In the nature of the order I propose to pass, I feel that it is not necessary to issue notice to respondents 1 and 2.

3. If the liability, which is sought to be enforced, is the liability of the son of the petitioner under the MACT award, certainly, the petitioner cannot be made liable and the properties of the petitioner cannot be proceeded against. It is certainly open to the official respondents to proceed against the property of the person liable under the award. Under the guise of the property of the person liable, if the property of the petitioner is attached, being movable or immovable, petitioner has the remedy to move the authority in terms of the decision of this court reported in **M.S. Khadija v. Dy. Tahsildar (Revenue), Kottayam** (1974 K.L.T. SN 3) in

respect of movables and Section 46 of the Revenue Recovery Act, if it is in respect of immovable property.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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