

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 29<sup>TH</sup> DAY OF APRIL 2022 / 9TH VAISAKHA, 1944

WP(C) NO. 15018 OF 2022

**PETITIONER:**

FAISAL, AGED 33 YEARS  
S/O.HAMSA, KALLARACKAL HOUSE, THEKKUMCHERY DESOM,  
MANATHALA, CHAVAKKAD P.O., THRISSUR - 680506

BY ADVS.  
K.I.SAGEER  
MUHAMMED YASIL

**RESPONDENTS:**

- 1 STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY,  
REVENUE DEPARTMENT, GOVT. OF KERALA, SECRETARIAT,  
THIRUVANANTHAPURAM 695001
- 2 DEPUTY TAHSILDAR (REVENUE RECOVERY), CHAVAKKAD TALUK  
OFFICE, CHAVAKKAD, THRISSUR-680506
- 3 VILLAGE OFFICER, MANATHALA VILLAGE OFFICE, MANATHALA,  
CHAVAKKAD, THRISSUR-680506
- 4 VIMAL V.K,., AGED 37 YEARS, S/O.KRISHAN VAIDYAR,  
VALIYATH HOUSE, THAMRAYOOR, POOKODE VILLAGE,  
THRISSUR-680505
- 5 RAJEEV.E., AGE NOT KNOWN TO THE PETITIONER,  
S/O.APPUKUTTAN, 4/89, MORHACHELLAM HOUSE,  
GURUVAYOOR P.O., THRISSUR DISTRICT-680101

**OTHER PRESENT:**

BY SMT PARVATHY .K (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner challenges revenue recovery proceedings pursuant to the Award passed in O.P(MV)No.100/2011 on the files of Motor Accident Claims Tribunal, Thrissur which was filed by the 4<sup>th</sup> respondent herein seeking compensation. It is submitted that the petitioner and the 5<sup>th</sup> respondent herein were set exparte. The petitioner claims that no notice or summons was issued to the petitioner and prays for quashing the proceedings initiated against him.

2. I have heard the learned counsel for the petitioner as well as the learned Government Pleader.

3. It is seen that revenue recovery proceedings have been initiated in implementation of the orders in O.P(MV) No.100/2011. The petitioner cannot in any way

challenge the revenue recovery proceedings without challenging the Award passed by the Tribunal. To enable the petitioner to challenge Ext.P2 Award, I direct the respondents to keep all proceedings pursuant to Ext.P3 in abeyance for a period of three months, so as to obtain appropriate orders. If the petitioner do not take steps to challenge Ext.P2 Award within the time granted above or obtain orders, the petitioner will lose the benefit of this order and the revenue recovery proceedings can be continued against him.

This writ petition is disposed of.

Sd/-

**MOHAMMED NIAS C.P.**

**JUDGE**

SAS

**APPENDIX OF WP(C) 15018/2022**

PETITIONER'S EXHIBITS

Exhibit P1	A TRUE COPY OF THE AGREEMENT.
Exhibit P2	A TRUE COPY OF THE AWARD DATED 15.02.2019 IN O.P (MV) NO. 100/2011 IN THE FILES OF MACT, COURT THRISSUR.
Exhibit P3	A TRUE COPY OF THE DEMAND NOTICE DATED 28.02.2022 OF THE 2ND RESPONDENT.