

Sunni P vs State of Kerala

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Court : Kerala

Decided On : Feb-06-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/33734/2015

Appellant : Sunni P

Respondent : State of Kerala

Judgement :

WP(C) NO. 33734 OF 2015 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945
WP(C) NO. 33734 OF 2015 PETITIONER/S: SUNNI P AGED 43 YEARS
S/O.MOHANAN, RESIDING AT PASHNATH HOUSE, V.K.K.MENON
ROAD, KOZHIKODE-673 580. BY ADV SRI.E.NARAYANAN
RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2 THE DISTRICT COLLECTOR WAYANAD. COLLECTORATE, WAYANAD, PIN-673 121. 3 THE REGISTRAR GENERAL OFFICE OF THE REGISTRAR (GENERAL), WAYANAD,KALPETTA- 673 121. 4 THE DEPUTY TAHSILDAR REVENUE RECOVERY CIVIL STATION, KOZHIKODE, PIN-673 020. BY ADVS. GOVERNMENT PLEADER OTHER PRESENT: SRI BS SYAMANTAK, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 33734 OF 2015 2

P.V.KUNHIKRISHNAN, J ----- W.P.(C.) No. 33734 of 2015 ----- Dated this the 6th day of February, 2024

JUDGMENT

The above writ petition is filed with following prayers :

i. To set aside Exts.P7, P8, P9 and P11 by a writ of certiorari. ii. To set aside Ext.P4 and P5 by issuing a writ of certiorari/ iii. Issue a declaration declaring that Exts.P7, P8, P9 and P11 are illegal and unsustainable. iv. Issue a declaration declaring that Exts.P7, P8, P9 and P11 are passed without hearing the petitioner and v. To grant such other reliefs as this Hon'ble Court may deem just and fit in the circumstances of the case. [sic]

2. The main prayer in this writ petition is against Exts.P7

to P11. The statement is filed by the 3rd respondent in which Ext.R3(a), R3(b) and R3(c) is produced. According to the petitioner, these orders were not furnished to the petitioner and hence, the petitioner was not able to challenge the same before the appropriate appellate court. Since, this writ petition is pending before this Court from 2015 onwards, I am of the WP(C) NO. 33734 OF 2015 3 considered opinion that the petitioners can be allowed to challenge the orders before the appropriate court in accordance with law. If such proceedings are filed, the time during which

this writ petition is pending before this Court will be excluded while calculating the question of limitation. Therefore, this writ petition is disposed of granting liberty to the petitioner to challenge Ext.R3(a) & R3(b) in accordance with law. To facilitate the petitioner to approach the competent court in accordance with law, the revenue recovery proceedings initiated against the petitioner shall be kept in abeyance for a period of 30 days. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS WP(C) NO. 33734 OF 2015 4 APPENDIX OF WP(C) 33734/2015 PETITIONER EXHIBITS P1 : THE TRUE COPY OF DOCUMENT NO.1443/2010 DT 18-6-2015 OF SRO, VYTHIRI. P2 : TRUE COPY OF DOCUMENT NO.298/2011 OF SRO, VYTHIRI DT 23-2-2011 P3 : TRUE COPY OF DOCUMENT NO.299/2011 OF SRO, VYTHIRI DT 1-3-2011. P4 : TRUE COPY INTEIRM ORDER DT 25-4-2012 IN PROCEEDING NO.M2VY/10/11 PASSED BY THE P5 : TRUE COPY INTERIM ORDER DT 25-4-2012 IN PROCEEDING NO.M2VY/11/11 PASSED BY THE

P6 : REPRESENTATION DT 12-6-2012 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT REGISTRAR (GENERAL) P7 : TRUE COPY OF FORM I NOTICE DT 24-1- NO.2014/62673/11 P8 : TRUE COPY OF FORM I NOTICE DT 24-1- NO.2014/62677/11 P9: TRUE COPY OF FORM I NOTICE DT 24-1-2015 AS PER COLLECTORATE FILE NO.2014/62674/11 P10 : TRUE COPY OF THE REPRESENTATION DT 30-9-2015 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR. P11 : TRUE COPY OF THE ORDER DT 13-10-2015 DELIVERED BY THE DISTRICT REGISTRAR (GENERAL)

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