

Mohammed vs District Collector

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Court : Kerala

Decided On : Jun-07-2022

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : WP(C)/1313/2022

Appellant : Mohammed

Respondent : District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN TUESDAY, THE 7TH DAY OF JUNE 2022 / 17TH JYAISHTA, 1944 WP(C) NO. 1313 OF 2022 PETITIONER/S: MOHAMMED, AGED 55 YEARS SON OF KUNHALI, 284 UNIKOLAM VEETIL, NADAPURAM,KOZHIKODE, PIN - 673504 BY ADVS. CIBI THOMAS G. Pratap Chandra RESPONDENT/S:

1 DISTRICT COLLECTOR, KOZHIKODE CIVIL STATION,ERANHIPPALAM, KOZHIKODE, PIN - 673020 2 DEPUTY THAHASILDAR VADAKARA TALUK, VADAKARA MINI CIVIL STATION, COURT ROAD, KOZHIKODE KOZHIKODE, PIN - 673101 *3 BHARATI

AXA GENERTAL INSURANCE COMPANY LTD., REPRESENTED BY
BRANCH MANAGER,SR.COMPLEX, 1ST FLOOR, OOP.ONLINE IT
SHOP, CHITTOOR ROAD, REVIPURAK, KOCHI 682 016 (*ADDL.R3 IS
IMPLEADED AS PER ORDER DATED 03.02.2022 IN I.A.NO.1/2022)
ADV AJITHKUMAR VARMA R ADV.JUSTIN JACOB, GP
ADV.S.SHANTHI - R3

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07.06.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: WP(C) NO. 1313 OF 2022 ..2.

JUDGMENT

The petitioner is a registered owner of a vehicle bearing Registration No.KL-18-N-6711, which met with an accident. The Motor Accidents Claims Tribunal,

Thalassery by award dated 07.01.2019 in O.P. (MV)No.227/2016, directed the insurance company to pay the compensation awarded to the claimant therein with right to recover the same from the petitioner/registered owner. Pursuant to requisition made by the Tribunal, the 1st respondent issued Ext.P1 certificate for recovery of the amount. The 2nd respondent thereupon initiated recovery proceedings by Exts.P2 and P3 demand notices under the Revenue Recovery Act. This is challenged in this writ petition.

2. On 08.04.2022, this Court has passed an interim

order staying the recovery proceedings pursuant to

WP(C) NO. 1313 OF 2022 ..3. Exts.P2 and P3, on condition that the petitioner pays an amount of Rs.1,00,000/- within six weeks. It is submitted by the learned Counsel for the petitioner as well the learned Standing Counsel for the insurance company that the interim order has been complied with.

3. When this matter came up for further

consideration today, it is submitted by the learned Counsel for the petitioner that the petitioner is prepared to pay the balance amount demanded in Exts.P2 and p3 in ten equal monthly installments along with interest.

4. Heard the learned Counsel for the petitioner and Adv.S.Santhi, the learned Counsel for the additional 3 rd respondent. Since the petitioner has already paid the amount

pursuant to the interim order dated 08.04.2022 and has undertaken to pay the balance amount due as per Exts.P2 and P3 with interest, after deducting the amount of WP(C) NO. 1313 OF 2022 ..4.

Rs.1,00,000/- already paid, this writ petition is disposed of with a direction to the petitioner to remit the amount covered by Exts.P2 and P3 with interest, after deducting the amount of Rs.1,00,000/- already paid, in ten equal monthly installments commencing from 01.07.2022. If the petitioner makes any default in remitting any of the installments as aforesaid, the respondents will be free to initiate further proceedings pursuant to Exts.P2 and P3. In order to facilitate the petitioner to remit the amount as aforesaid, further proceedings pursuant to Exts.P2 and P3 shall stand stayed.

Sd/- MURALI PURUSHOTHAMAN JUDGE SB/07/06/2022 WP(C) NO. 1313 OF 2022 ..5. APPENDIX OF WP(C) 1313/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE CERTIFICATE ISSUED BY THE 1ST RESPONDENT UNDER SECTION 69(3)OF THE ACT. Exhibit P2 TRUE COPY OF THE DEMAND NOTICE ISSUED U/S 7 OF THE ACT. Exhibit P3 TRUE COPY OF THE DEMAND NOTICE ISSUED U/S 34 OF THE REVENUE RECOVERY ACT.

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