
(2023) 11 KL CK 0059
In the High Court Of Kerala
Case No : Writ Petition (C) No. 35619 Of 2023

Pavanan H

APPELLANT

Vs

District Collector

RESPONDENT

Date of Decision : 02-11-2023

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2023) 11 KL CK 0059

Hon'ble Judges : Dinesh Kumar Singh, J

Bench : Single Bench

Advocate : Vinod Kumar.C, S. Gopinathan

Final Decision : Disposed Of

Judgement

Dinesh Kumar Singh, J

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India for the following prayers:

"i. Issue a writ of certiorari or other appropriate writ quashing Ext P 3 Revenue Recovery notice as the amount claimed in that notice is exorbitant and beyond the scope of Ext P1 award.

ii. Issue writ of mandamus or any other appropriate writ or order or direction directing respondents to allow the petitioner to pay the actual amount deposited by the 4th respondent and 5 months time may be granted for the payment.

iii. To pass an order declaring that the 4th respondent is not entitled to recover subsequent interest from the petitioner.

iv. issue an order or direction by dispensing the translation of the documents produced by the petitioner in vernacular language, and the writ petition may be numbered and

v. pass such other and further orders as are deemed fit and necessary in the

interests of justice.”

2. After some argument, the learned Counsel for the petitioner submits that the petitioner is willing to pay the amount as mentioned in the impugned recovery notice along with admissible interest to the Insurance Company in installments.

3. Considering the said submission, the present writ petition is disposed of with liberty to the petitioner to pay Rs.1,67,826/- with interest at the rate of 7.5% with effect from 22.09.2020 to 01.12.2023. The said calculation shall be intimated by the Insurance Company to the petitioner.

3.1 The petitioner is directed to make the payment of Rs.1,67,826/- with interest at the rate of 7.5% from 22.09.2020 to 01.12.2023 in six equal monthly instalments. The first instalment is to be paid on or before 07.12.2023, and the remaining five instalments on or before the 7th day of each successive month. The petitioner shall deposit the instalments as directed above before the Tribunal. In case the petitioner fails to make a deposit of the first instalment or any subsequent instalments as directed, the Insurance Company shall be free to enforce the impugned revenue recovery notice against the petitioner.

With the aforesaid direction, the present writ petition stands finally disposed of.