

(2024) 08 KL CK 0032
In the High Court Of Kerala
Case No : Writ Petition (C) No. 3232 Of 2023

Vijayakumari

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 09-08-2024

Acts Referred:

Citation : (2024) 08 KL CK 0032

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : Joseph George, M.A.Azeez Mushtaque, Rajeev Jyothish George

Final Decision : Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. The 8th respondent issued Ext.P5 demand notice to the petitioners on 18.5.2015 demanding payment of ₹ 19,93,000/-alleging that the petitioners removed ordinary earth of 16,400 cubic meters from their joint property situated in Sy.No.81/42 of Mundathikkode Village. The petitioners gave Ext.P6 reply to Ext.P5 stating that they did not remove any ordinary earth from their property. According to them, they only changed positions of a small quantity of boulder stones to create a way. Thereafter, respondents 2 and 4 issued Ext.P8 revenue recovery certificate and Ext.P9 demand notice under the Revenue Recovery Act to the petitioners. It is challenging Exts. P5, P8 and P9, the petitioners have approached this Court.

2. I have heard Sri Abdul Hakhim, the learned counsel for the petitioners as well as Sri. Rajeev Jyothish George, the learned Government Pleader.

3. The petitioners gave a detailed reply to Ext.P5 notice. The reply has been produced as Ext.P6. In Ext.P6, the petitioners have disputed their liability to pay the amount demanded in the notice. However, it appears that Exts.P8 and P9 were issued without considering the contentions in Ext.P6 reply. The petitioners

were not heard also. In these circumstances, I am of the view that Exts.P8 and P9 are not sustainable and liable to be set aside. Accordingly, Exts. P8 and P9 are set aside. The 8th respondent shall consider the contentions raised by the petitioners in Ext.P6 reply. The 8th respondent shall also hear the petitioners, if necessary. The petitioners are at liberty to file additional reply, if any. After hearing the petitioners and taking into account the contentions raised by the petitioners in Ext.P6 as well as in the additional reply to be filed, the 8th respondent shall pass fresh orders.

The writ petition is disposed of as above.