



2025:KER:14496

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 20TH DAY OF FEBRUARY 2025 / 1ST PHALGUNA, 1946

WP(C) NO. 20781 OF 2019

PETITIONER:

T.C.RAMAN, AGED 68 YEARS,
S/O.CHENNAN,SANDHYA SADANAM ,CHOORAKODU KARA, ERATH
VILLAGE, ADOOR TALUK, MANAKKALA P.O, PATHANAMTHITTA
DISTRICT, PIN-691551.

BY ADV SRI.SHIJU VARGHESE

RESPONDENTS:

- 1 THE DIRECTOR, KERALA STATE NIRMITHI KENDRA
NIRMITHI HILLS, PTP NAGAR, THIRUVANANTHAPURAM, 695
038.
- 2 KERALAL STATE NIRMITHI KENDRA,
PTP NAGAR, THIRUVANANTHAPURAM 695 038.
- 3 THE DISTRICT COLLECTOR,
PATHANAMTHITTA PATHANAMTHITTA P.O., 689 645.
- 4 THE VILLAGE OFFICER,
ERATH VILLAGE, ADOOR TALUK, MANAKKALA P.O.,
PATHANAMTHITTA DISTRICT 691 551.

BY ADV SRI.G.RANJU MOHAN

OTHER PRESENT:

SRI.E.G.GORDEN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner, who was working with the Irrigation Department in the Government of Kerala, states that he also worked as a Regional Engineer of Kottarakkara Region of the 2nd respondent herein pursuant to Ext.P1 Order. The petitioner is stated to have superannuated on 30.06.2006.

2. The petitioner contends that with respect to the period when he was working with the 2nd respondent, on the basis of some alleged irregularities, an enquiry was conducted leading to the finalisation of the proceedings by which, a liability to the extent of Rs.1,44,717/- was fixed on him and another individual. The petitioner states that, on the basis of an enquiry report as above, Ext.P3 notice dated 24.03.2015 was issued by the 2nd respondent directing him to make up the afore liability.

3. However, the petitioner further points out that Ext.P4 dated 30.04.2019 was issued seeking to initiate coercive steps against him with reference to the provisions of



the Revenue Recovery Act, 1968.

4. It is in the afore circumstances that the captioned writ petition is filed essentially contending that the initiation of coercive proceedings on 30.04.2019 under the Revenue Recovery Act, as per Ext.P4 is barred by limitation, with reference to the date of Ext.P3 – 24.03.2015.

5. I have heard Sri.Shiju Varghese, the learned counsel for the petitioner and Sri.Renju Mohan, the learned counsel for the 1st and 2nd respondents and Sri.E.G.Gorden, the learned Senior Government Pleader for the 3rd and 4th respondents.

6. The challenge in this writ petition against Ext.P4 is on the ground of limitation. According to the petitioner, since the first notice at Ext.P3 was issued on 24.03.2015, the subsequent initiation of coercive steps pursuant to Ext.P4 on 30.04.2019 is barred by limitation.

7. The learned counsel for the petitioner would rely on **Raveendran Nair M.G. v. State of Kerala [2014 (4) KLT 625]**, **Lt.Col.E.V. Krishnan v. State of Kerala**



[2023 (4) KHC 274], Ajmal T.M. v. Deputy Tahsildar, Ekm. [2024 (3) KHC 131] and Parama Sivan T. v. Guruvayur Devaswom Board [2023 KHC 9163], to contend that the alleged dues cannot be recovered on account of the limitation as pointed out above.

8. I notice that during 2015 when Ext.P3 was issued, there was no notification issued under the provisions of Section 71 of the Revenue Recovery Act, by which, the provisions of the Act was extended for realisation of the dues to the 2nd respondent herein – an institution. It is only in 2016 the notification of Section 71 was issued and it is some time thereafter, the Revenue Recovery proceedings came to be initiated with reference to the provisions of Section 71 of the Act.

9. It is the contention of the learned counsel for the petitioner that the liability was originally fixed as per Ext.P3 and hence, barred by limitation, with reference to the provisions of Article 113 of the Limitation Act, and since the period of three years under the afore Article has already



come to an end, Ext.P4 cannot be sustained. The provisions of Article 112 of the Limitation Act deals with a situation where the dues are payable to the Government. The learned counsel for the petitioner, contended that the 2nd respondent is not “Government “ and hence, the provisions of Article 112 would not apply.

11. The fact that the 2nd respondent is an institution sponsored by the Government, is not in dispute. It is only on that basis that subsequently, a notification under Section 71 came to be issued, permitting the application of the provisions of the Revenue Recovery Act for realisation of the dues as if, it were “arrears payable to the Government”. But as held by the Full Bench of this Court in **Raveendran Nair** (*supra*), the mere declaration under Section 71 of the Revenue Recovery Act, does not change the nature of the liability. The dues payable does not get the character of “public revenue due on land” merely on account of the declaration under Section 71.



Resultantly, I am of the opinion that the petitioner is entitled to succeed. Consequently, this writ petition would stand allowed, quashing Ext.P4 issued by the 1st respondent herein.

Sd/-

HARISANKAR V. MENON
JUDGE

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APPENDIX OF WP(C) 20781/2019

PETITIONER EXHIBITS

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| EXHIBIT P1 | TRUE COPY OF THE ORDER NO.
AD/2894/2007/KSNK DATED 10.7.2007. |
| EXHIBIT P2 | TRUE COPY OF THE LETTER BEARING NO.
6706/D3/2013 VIGILANCE DATED 28.1.2015 |
| EXHIBIT P3 | TRUE COPY OF THE NOTICE DATED 24.3.2015. |
| EXHIBIT P4 | TRUE COPY OF THE ORDER BEARING NO.
AD3/4771/2018/KSNK DATED 30.4.2019 |
| EXHIBIT P5 | TRUE COPY OF THE LETTER DATED 24.6.2019. |
| EXHIBIT P6 | TRUE COPY OF THE POSTAL AD CARD DATED
6.7.2019 |

RESPONDENT EXHIBITS

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| EXHIBIT R1(A) | TRUE COPY OF THE SRO NO.507/18 DATED
25.07.2018 IN G.O.(P) NO.45/2018/RD DATED
18.07.2018. |
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