



2025:KER:14153

1

WP(C) No.17445 of 2014

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

WEDNESDAY, THE 19TH DAY OF FEBRUARY 2025 / 30TH MAGHA,

1946

WP(C) NO. 17445 OF 2014

PETITIONER:

JOHN K. MATHEW, S/O K.U.MATHEW, KAITHEPADAM
HOUSE, ARPOOKKARA WEST, KOTTAYAM

BY ADV SRI.S.NIDHEESH

RESPONDENTS:

- 1 THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTER, KOTTAYAM - 686 001.
- 2 THE TAHASILDAR
REVENUE RECOVERY, KOTTAYAM - 686 001.

SMT.RASHMI.K.M, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT**

Dated this the 19th day of February, 2025

The writ petition is preferred challenging Ext.P4, which is a recovery notice issued under the Revenue Recovery Act.

2. The issue involved in this case is that the father of the petitioner had availed a margin money loan for his running industry, which has SSI Registration. For that purpose, necessary agreement was executed and he received an amount of Rs.1 lakh from the 1st respondent. Thereafter, in the year 2003, the person, who availed the loan expired and the loan period was also expired on 05.03.2002. Thereafter, Ext.P4 notice was issued by the 2nd respondent on 25.06.2014. The petitioner challenges Ext.P4 on the background that it was barred by limitation.

3. However, going by the counter affidavit filed by the 2nd respondent, it is admitted that they came to know that the defaulter expired even prior to the issuance of notice, only after sending reminder. It is further stated by the 2nd



WP(C) No.17445 of 2014

respondent that since the revenue recovery proceedings are initiated only after the death of the defaulter, the State is not in a position to proceed further without obtaining a revised requisition in the name of the legal heirs of the deceased defaulter.

4. Under such circumstances, Ext.P4 stands quashed. The appropriate authority is free to initiate fresh steps against the legal heirs of the deceased defaulter if the authority desires to receive the amount even now. All the contentions raised by the petitioner in this writ petition are left open.

The writ petition is disposed of as above.

sd/-

P.M.MANOJ
JUDGE

das



2025:KER:14153

WP(C) No.17445 of 2014

APPENDIX OF WP(C) 17445/2014

PETITIONER EXHIBITS

**EXHIBIT P1 : TRUE COPY OF THE AGREEMENT DATED
30.04.2004**

**EXHIBIT P2 : TRUE COPY OF THE PROCEEDINGS DATED
26.02.1998**

**EXHIBIT P3 : TRUE COPY OF THE RECEIPT DATED
05.03.1998**

**EXHIBIT P4 : TRUE COPY OF THE NOTICE DATED
25.06.2014**