

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C) .No. 6233 of 2006 (P)

PETITIONER(S) :

M/S.FALCON AGENCIES PVT LTD.,
HAVING ITS REGISTERED OFFICE AT PARAGON BUILDINGS
KOTTAYAM, REPRESENTED BY ITS EXECUTIVE DIRECTOR
REGI ABRAHAM, PATTUKALATHIL HOUSE, MUTTAMBALAM
KOTTAYAM.

BY ADV. SRI.TOMY SEBASTIAN

RESPONDENT(S) :

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1. CORPORATION OF COCHIN,
CORPORATION BUILDINGS, ERNAKULAM
REPRESENTED BY ITS SECRETARY.
 2. THE SECRETARY,
CORPORATION OF COCHIN, CORPORATION BUILDINGS
ERNAKULAM.
 3. THE EXECUTIVE AUTHORITY,
CORPORATION OF COCHIN, CORPORATION BUILDINGS
ERNAKULAM.
 4. MR.ZACHARIAS MULLASSERY,
HOUSE NO.V/70A, THRIKKAKARA, EDAPPALLY
COCHIN-24.
 5. MODI MULLASSERY,
HOUSE NO.V/70A, THRIKKAKARA, EDAPPALLY
COCHIN-24.
 6. PHILOMINA MULLASSERY,
HOUSE NO.V/70A, THRIKKAKARA, EDAPPALLY
COCHIN-24.

R1 TO R3 BY SMT.A.G.ANEETHA, SC, COCHIN CORPORATION
R4 & R5 BY ADV. SRI.M.V.JOHN
BY LIAISON OFFICER, CORPORATION OF COCHIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER' (S) EXHIBITS:

- EXT.P1 COPY OF THE LEASE AGREEMENT DATED 01.08.2005 IN RESPECT
OF BUILDING BEARING NO.39/1565 (OLD NO.39/1392)
- EXT.P2 COPY OF THE LEASE AGREEMENT DATED 01.06.2005 IN RESPECT
OF BUILDING BEARING NO.39/1567 (OLD NO.55/472)
- EXT.P3 COPY OF THE AGREEMENT DATED 01.08.2005 IN RESPECT OF
BUILDING BEARING NO.39/1566 (OLD NO.39/1393)
- EXT.P4 COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT IN
RESPECT OF BUILDING BEARING NO.39/1565 DATED 20.02.2006
- EXT.P5 COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT IN
RESPECT OF BUILDING BEARING NO.39/1567 DATED 20.02.2006
- EXT.P6 COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT IN
RESPECT OF BUILDING BEARING NO.39/1566 DATED 20.02.2006
- EXT.P7 COPY OF THE REPLY NOTICE DATED 22.02.2006 ISSUED TO THE
SECRETARY OF CORPORATION OF COCHIN IN RESPECT OF BUILDING
BEARING NO.39/1565.
- EXT.P8 COPY OF THE REPLY NOTICE DATED 22.02.2006 IN RESPECT OF
BUILDING BEARING NO.39/1566.
- EXT.P9 COPY OF THE REPLY NOTICE DATED 22.02.2006 IN RESPECT OF
BUILDING BEARING NO.39/1567.
- EXT.P10 COPY OF JUDGMENT IN OP NO.5384/1994 DATED 14.10.1999.
- EXT.P11 COPY OF JUDGMENT IN OP NO.5385/1994 DATE 11.10.1999.

RESPONDENT' (S) EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

bka/-

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 6233 of 2006

Dated this the 23rd day of November, 2015

J U D G M E N T

The petitioner alleges that it is a private limited company engaged in the business of foot ware distribution. The branch office cum godown of the petitioner at Ernakulam is housed at Door Nos.39/1565, 39/1566 and 39/1567 of Cochin Corporation. The buildings belong to respondents 4 to 6, which were taken by the petitioner under Exts.P1 to P3 lease deeds. The petitioner alleges that it was regularly paying the rent and no amount was due as arrears as on date. The 3rd respondent issued Exts.P4 to P6 notices demanding property tax in respect of the above buildings. The total amount demanded was ₹6,82,702/- and the petitioner sent Exts.P7 to P9 replies. The petitioner further alleges that even after the issue of the reply notices, respondents 2 & 3 are threatening the petitioner with warrants and attachments of movable properties kept in the above premises. According to the petitioner, if the Court directs, it is ready to deposit the future rent towards

..2..

payment of the property tax arrears. It is with this background, the petitioner has come up before this Court.

2. This Court, as per interim order dated 06.03.2006, directed that there should be no distress action against the petitioner if the petitioner duly pays into the account of the 1st respondent, from time to time, the amounts payable under Exts.P1 & P2 until further orders or until the amounts due under Exts.P5 & P6 are wiped off. It was also ordered that the order would not stand in the way of respondents 1 & 2 from taking recourse to other modes of recovery against the owner. It was also made clear that if the petitioner continues to make remittance, respondents 4 to 6 would not be entitled to claim any remittance under Exts.P1 & P2 until further orders.

As the very purpose sought to be achieved by the filing of the writ petition has been served by the interim order, the writ petition is disposed of making the interim order absolute.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE