

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WA.No. 662 of 2015 IN WP(C).34204/2014

**AGAINST THE JUDGMENT IN WP(C) 34204/2014 of HIGH COURT OF KERALA
DATED 17-12-2014**

APPELLANT/PETITIONER:

**A M SADIQE, AGED 46 YEARS,
EX-MANAGING DIRECTOR,
AMA FOOD PRODUCTS PRIVATE LIMITED, SXL/4216,
STAR COTTAGE, ST. ALBERT'S SCHOOL LANE, COCHIN-31.**

BY ADV. SRI.T.O.XAVIER

RESPONDENTS/RESPONDENTS:

- 1. DEPUTY TAHSILDAR (RR)
REVENUE RECOVERY OFFICE, KANAYANNUR TALUK
ERNAKULAM - 682 011.**
- 2. KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION
LIMITED, CHOICE TOWER, MANORAMA JUNCTION
KOCHI-16, REPRESENTED BY ITS ASSISTANT MANAGER (LEGAL)
SRI.G. SANJAY.**
- 3. DISTRICT COLLECTOR
ERNAKULAM. 682 030.**

**R2 BY ADV. SRI.SAJI VARGHESE, SC, KSIDC LTD.
R1 & R3 BY GOVERNMENT PLEADER SRI. P.I.DAVIS**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JJJ

ASHOK BHUSHAN, C.J.
&
A.M. SHAFFIQUE, J.

W.A. No. 662 of 2015

Dated this the 6th day of April, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel appearing for the appellant and the learned Government Pleader as well.

2. This Writ Appeal has been filed against the judgment dated 17.12.2014 delivered in Writ Petition (C) No.34204/2014 filed by the petitioner/appellant.

3. The petitioner by the Writ Petition has prayed for a mandamus directing respondent no.3 not to pursue with Ext.P1. Ext.P1 was a warrant for recovery of fine issued by the Chief Judicial Magistrate on the basis of conviction recorded against M/s. AMA Food Products (P) Ltd. The

conviction was affirmed in appeal. The petitioner, who was the 2nd accused in the case, had also filed appeal and the conviction insofar as the petitioner was concerned was set aside and remitted for fresh disposal, in which the 2nd accused/petitioner was found not guilty. The Writ Petition was filed against Ext.P1 which was the notice issued against the Company. The learned Single Judge has dismissed the Writ Petition as well as the Review Petition.

4. The conviction against the Company having been upheld, the realisation of fine by Ext.P1 cannot be faulted with. We do not find any error in the judgment of the learned Single Judge, dismissing the Writ Petition. The learned Single Judge has rightly observed that the conviction and sentence against the 1st accused has become final and the fine from the 1st accused will have to be recovered.

We do not find any merit in the Writ Appeal, hence it is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

/TRUE COPY/

PA TO JUDGE

jjj