

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

W.A. No. 1949 of 2014 IN WP(C).19642/2014 ()

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(AGAINST THE JUDGMENT IN WP(C) 19642/2014 OF HIGH COURT OF
KERALA DATED 1.8.2014.)**

APPELLANT(S)/PETITIONER:

**N.A.RAJU,
PROPRIETOR OF OMEGA HERITAGE, THEKKE MADOM ROAD,
THRISSUR, THRISSUR DISTRICT.**

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENT(S)/RESPONDENTS:

**1. THE DEPUTY COMMISSIONER (APPEALS)
DEPARTMENT OF COMMERCIAL TAXES, ERNAKULAM,
ERNAKULAM DISTRICT PIN 682 016.**

**2. TAHASILDAR(RR)
THRISSUR TALUK OFFICE, THRISSUR DISTRICT- 680 020.**

BY SENIOR GOVERNMENT PLEADER SRI. LIJU V. STEPHAN

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

KRJ

THOTTATHIL B. RADHAKRISHNAN

&

A.V.RAMAKRISHNA PILLAI, JJ.

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W.A No.1949 of 2014

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Dated this the 8th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the appellant quite in extenso.

2. The appeal is filed against the judgment of the learned single Judge only to the extent it imposes an order of costs notwithstanding the fact that the writ petition was allowed. Though, in the first blush, the submission may commend acceptance, on a deeper consideration of the judgment impugned, we think that the learned single Judge cannot be criticised for having imposed an order of costs to be payable for public good. The learned single Judge had reasons for imposing costs. In the view of the learned single Judge, the earlier writ petitions ought to have been disclosed and non disclosure of the earlier proceedings shows that there is a deliberate intention to controvert the deemed process. We are unable to see that such finding resulting only in imposition of costs is not available on the face of record. The discretion having been exercised in writ jurisdiction, the appellate

jurisdiction under Section 5 of the High Court Act necessarily would not be invoked by way of intra-court interference for such discretionary orders. The appeal, therefore, fails.

In the result, this appeal is dismissed in limine.

Sd/-
THOTTATHIL B. RADHAKRISHNAN
JUDGE

sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj

/True Copy/

P.A to Judge