

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WP(C).No. 3560 of 2011 (T)

PETITIONERS:

1. ROSAMMA AUGUSTHY,
W/O.LATE SOURIAR AUGUSTHY, MECHERIL HOUSE, KEZHOOR,
MULAKULAM, VAIKOM, KOTTAYAM DISTRICT.
2. MARIYAMMA THOMAS, W/O.LATE C.C.THOMAS,
CHAKKALAYIL HOUSE, PARAMBRAM, MUTUCHIRA P.O.,
KADUTHURUTHY, VAIKOM, KOTTAYAM DISTRICT.

BY ADVS.SRI.C.C.THOMAS (SR.)
SRI.NIREESH MATHEW
SRI.M.G.KARTHIKEYAN

RESPONDENTS:

1. STATE OF KERALA, REP.BY
CHIEF SECRETARY, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.
2. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY COMMISSIONER OF EXCISE,
KOTTAYAM - 686 001.
4. THE C.I.OF EXCISE, KOTTAYAM EXCISE
RANGE, KOTTAYAM-686 001.
5. THE DISTRICT COLLECTOR, KOTTAYAM - 686 001.
6. THE TAHSILDAR, VAIKOM,
KOTTAYAM DISTRICT - 686 723.

R, BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

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| EXT.P1 | : PHOTOCOPY OF THE JUDGMENT DATED 11.08.2000 IN O.P. NO.8901/1995 OF THIS HON'BLE COURT. |
| EXT.P2 | : PHOTOCOPY OF THE ORDER DATED 19.02.2008 IN CIVIL APPEAL NO.4976-4987/2002 PASSED BY THE HON'BLE SUPREME COURT. |
| EXT.P3 | : PHOTOCOPY OF THE ORDER G.O.(MS) NO.108/08/TD DATED 26.05.2008 ISSUED BY THE GOVT. OF KERALA. |
| EXT.P4 | : PHOTOCOPY OF THE LETTER DATED 30.07.2008 SEBT TO THE THEN ASST. EXCISE COMMISSIONER, KOTTAYAM. |
| EXT.P5 | : PHOTOCOPY OF THE ORDER, G.O.(MS) NO. 266/2010/TD DATED 12.11.2010 ISSUED BY THE GOVERNMENT OF KERALA. |
| EXT.P6 | : PHOTOCOPY OF THE REVENUE RECOVERY NOTICE NO.G1-6333/01 ISSUED TO THE 1ST PETITIONER BY THE 6TH RESPONDENT. |
| EXT.P7 | : PHOTOCOPY OF THE REVENUE RECOVERY NOTICE NO.G1-6916/01 ISSUED TO THE 2ND PETITIONER BY THE 6TH RESPONDENT. |
| EXT.P8 | : PHOTOCOPY OF THE LETTER DATED 21.01.2011 SENT TO THE RESPONDENTS 3, 5 AND 6. |
| EXT.P9 | : PHOTOCOPY OF THE JUDGMENT DATED 24.02.2010 IN W.P.(C) NO. 31844/2009 PASSED BY THIS HON'BLE COURT. |
| EXT.P10 | : PHOTOCOPY OF THE LETTER DATED 19.07.2010 ISSUED BY THE DEPUTY COMMISSIONER OF EXCISE, THIRUVANANTHAPURAM. |
| EXT.P11 | : PHOTOCOPY OF THE ORDER DATED 20.03.2009 IN W.P.(C) NO. 6332/2009 PASSED BY THIS HON'BLE COURT. |
| EXT.P11 | : PHOTOCOPY OF THE ORDER, G.O(MS) NO.181/13/TD DATED 25.10.2013 PASSED BY THE GOVT. OF KERALA. |
| EXT.P12 | : PHOTOCOPY OF THE LETTER DATED 30.10.2013 SUBMITTED BEFORE THE 3RD RESPONDENT. |
| EXT.P13 | : PHOTOCOPY OF THE LETTER DATED 13.11.2013 ISSUED BY THE DEPUTY COMMISSIONER OF EXCISE, KOTTAYAM. |
| EXT.P14 | : PHOTOCOPY OF THE ORDER, GO(MS) NO.64/2015/TD DATED 21.04.2015 ISSUED BY THE GOVT. |

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PETITIONER'S EXHIBITS:

EXT.P14(a) : ENGLISH TRANSLATION OF EXT.P4.
EXT.P15 : PHOTOCOPY OF THE JUDGMENT DATED 28.09.2015 IN
W.A. NO. 1944/2015 PASSED BY THIS HON'BLE COURT.
EXT.P16 : PHOTOCOPY OF THE PETITION DATED 28.05.2015 SENT TO
THE RESPONDENTS.

RESPONDENTS' EXHIBITS:

EXT.R2(a) : COPY OF THE LETTER NO.XM1-2866/01 DATED 01.07.2010.

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 3560 of 2011 (T)

Dated this the 21st day of October, 2015.

JUDGMENT

Heard both sides.

In the light of the judgment rendered by a learned Division Bench of this Court in Writ Appeal No. 1944 of 2015 (Ext.P15), this Court disposes of the present writ petition applying the same ratio. The relief sought in the writ petition shall be extended to the petitioners in the manner indicated in Ext.P15 judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

W.P.(C). No.

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