

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No.1145 of 2015 (P)

PETITIONER:

**SUBHASH BABU.S,AGED 62 YEARS,
S/O.SADANANDAN,CHOTHI NIVAS,
KALLAMI KONAM,VARKALA VILLAGE,
VARKALA TALUK,PIN-695141.**

**BY ADVS.SRI.S.SUNIL MAURYN
SRI.B.SAJEEV KUMAR (VARKALA)**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM-695035.**
- 2. THE TAHSILDAR,TALUK OFFICE,VARKALA,
THIRUVANANTHAPURAM-695141.**
- 3. THE SECRETARY,VARKALA MUNICIPALITY,VARKALA,
THIRUVANANTHAPURAM-695141.**
- 4. S.RENJITH,S/O.SUBHASH BABU.S,CHOTHI NIVAS,
KALLAMI KONAM, VARKALA VILLAGE,
VARKALA TALUK,PIN-695141.**

**R1 & R2 BY SENIOR GOVT. PLEADER SMT.SHOBANAMMA EAPEN.
R3 BY SRI.M.R.RAJESH, SC, VARKALA MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

W.P(C) NO.1145/2015

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE CONCESSION CERTIFICATE DATED 20.6.2011 ISSUED
BY TALUK HOSPITAL,VARKALA.**

**EXT.P2:TRUE COPY OF THE NOTICE FOR AUCTION SALE DATED 3.12.2014
ISSUED BY THE 2ND RESPONDENT.**

**EXT.P3:TRUE COPY OF THE PETITIONER'S REPRESENTATION DATED 6.1.2015
BEFORE THE 1ST RESPONDENT.**

**EXT.P4:TRUE COPY OF THE PETITIONER'S REPRESENTATION DATED 6.1.2015
BEFORE THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.1145 of 2015 (P)

.....
Dated this the 13th day of January, 2015

JUDGMENT

The petitioner has been proceeded against by the second respondent for recovery of an amount of Rs.3,60,891/- together with accrued interest and expenses, towards amounts due to the third respondent Municipality in connection with a contract for collection of advertisement tax for the Municipality and collection of vehicle parking fee in the bus stand and railway station area. Ext.P2 is the notice for auction sale of the property belonging to the petitioner. The limited prayer in the writ petition is for extending the facility of payment by installments to discharge the liability to the third respondent.

2. Heard Sri.S.Sunil Mauryan, the learned counsel for the petitioner, Sri.M.R.Rajesh, learned standing counsel for the third respondent and Smt.Sobha Annamma Eappen, the learned Government Pleader for the respondent Nos.1 and 2.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I dispose the writ petition with the following directions:

- i) If the petitioner remits the amount of Rs.3,60,891/- together with accrued

interest and expenses, in twelve equal and successive monthly installments commencing from 31.01.2015, then, the recovery proceedings, including further proceedings pursuant to Ext.P2 notice, shall be kept in abeyance.

ii) It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/13/01/

/TRUE COPY/

P.A.TO JUDGE