

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 3223 of 2015 (C)

PETITIONER(S):

**GLADISON, AGED 46 YEARS,
S/O.THOMAS, THUNDUVILA HOUSE,
KANNANALLOOR P.O., KOLLAM.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT(S):

**THE SECRETARY,
REVENUE (S) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 3223 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: A TRUE COPY OF REPRESENTATION DATED 4-10-2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.3223 of 2015

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Dated this the 18th day of February, 2015

JUDGMENT

The petitioner is the 1st accused in Crime No.1212/2004 of Kottarakara Police Station, Kollam District registered under Section 402 of the Indian Penal Code and such other offences. It is stated that, pursuant to the committal proceedings the case came to be numbered as S.C No.506 of 2010 of the Sessions Court, Kollam. Since the petitioner could not appear before the trial Court, the case was split up. On conclusion of the trial in respect of accused numbers 2, 3, 5, 6 and 7, they have been acquitted. The case of the petitioner is that he was abroad by virtue of his employment and could leave the workplace only by the year 2010. Because of the continued absence of the petitioner, non-bailable warrant was issued against him and proceedings under Sections 82 and 83 of the Cr.P.C were taken. It was in the course of such proceedings, that the property having an

extent of 2.2 Ares including the residential building comprised in Survey No.503/9-2 in Block No.B/23/15807 in Thazhuthala village, Kollam taluk came to be attached. The learned counsel for the petitioner points out that in the course of further proceedings, the petitioner appeared before the concerned Court and has been released on bail on 16.02.2013. It is stated that the trial is almost over and the matter was heard on 11.02.2015, which has been taken up for judgment. Since a period of two years is already over, the petitioner is not in a position to get necessary orders from the trial Court so as to cause the property to be released and the competent authority to deal with the property is none other than the respondent. It is in the said circumstance that the petitioner has moved the respondent by filing Ext.P1 representation dated 04.10.2014. The prayer is to cause the same to be considered and disposed of within a reasonable period.

2. Heard the learned Government Pleader as well.

3. In the above circumstance, the writ petition is disposed of, directing the concerned respondent to consider and pass appropriate orders on Ext.P1 in accordance with law, after

affording an opportunity of hearing to the petitioner at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv