

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C) .No. 4006 of 2015 (A)

PETITIONER(S) :

P. ACHUTHAN,
S/O. K.V.P.BALAKRISHNAN NAIR,
AGED 69, NOW RESIDING AT FLAT NO. 7G, TOWER-1,
DD PLATINUM PLANET, PULLEPADY-THAMMANAM ROAD,
KATHRIKADAVU, ERNAKULAM.

BY ADV. SRI.VINOD VALLIKAPPAN.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT, THIRUVANANTHAPURAM,
KERALA-695 001.
2. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD,
ERNAKULAM DISTRICT-682 020.

BY GOVERNMENT PLEADER SMT. SHEEBA T.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE INSOLVENCY PETITION IP NO.3 OF 2012
PENDING BEFORE THE SUB COURT, ERNAKULAM.

EXHIBIT P2: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 13-12-2014
ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REPLY TO THE SHOW CAUSE SUBMITTED BY
THE PETITIONER DATED 30-12-2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.4006/2015**  
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Dated this the 20th Day of May, 2015

J U D G M E N T

The petitioner, apprehending arrest and commitment to civil prison on account of default in sales tax arrears has approached this Court with this writ petition. Petitioner submits that he has already filed an insolvency petition as I.P.No.3/2012 and further that he has also moved a stay petition (I.A.No.1222/14). It is also submitted that the original stay petition (I.A.No.1222/14) was dismissed as not pressed which is on account of the stay granted by this Court in this writ petition. It is thereafter a stay petition (I.A.No.1504/14) was filed. The said application for stay is pending. This Court on 06/04/2015 called for a report from the Sub Court, Ernakulam. The report dated 28/04/2015 of the learned First Additional Sub Judge is on board. It is stated therein that two more months are required to dispose the stay petition.

W.P.(C).No.4006/2015

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2. In the light of the above, there shall be a direction to the learned First Additional Sub Judge, Ernakulam to consider and pass orders on the stay petition (I.A.No.1504/2014) on or before 31/07/2015. Till a decision is taken in the stay petition, no coercive steps shall be taken against the petitioner under the Revenue Recovery Act. The petitioner submits that he has not received the copy of the order pursuant to Ext.P2 notice. Therefore, there shall be a direction to the second respondent to issue the copy of the order, if any, within a period of two weeks.

The writ petition is disposed of as above. No costs.

**Sd/-
A.MUHAMED MUSTAQUE, JUDGE**

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