

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 4626 of 2015 (C)

PETITIONER(S) :

SAMUEL GEORGE,
AGED 62 YEARS, S/O. GEORGE,
PROPRIETOR, GEORGE CASHEW FACTORY,
MALIEKKAL BUNGLOW,
ANDDOOR MURI, VALAKOM VILLAGE, KOTTARAKKARA,
KOLLAM DISTRICT.

BY ADVS.SRI.R.SURAJ KUMAR
SRI.R.MOHANA BABU
SRI.SUNIL J.CHAKKALACKAL
SMT.V.BEENA
SMT.V.DEEPA.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT COLLECOTR,
KOLLAM-691 001.
3. THE THAHASILDAR,
KOTTARAKKARA, KOLLAM DISTRICT-691 001.
4. THE DEPUTY THAHASILDAR,
KOTTARAKKARA, KOLLAM DISTRICT-691 001.
5. THE VILLAGE OFFICER,
VALAKOM VILLAGE, KOLLAM DISTRICT-691 001.
6. SAJEEV,
S/O REGHUNATHAN, REGHU MANDIRAM,
PUNUKKANNOOR MIRI,
ELAMPALLOOR VILLAGE, KOLLAM DISTRICT.

BY SENIOR GOVERNMENT PLEADER SOBHA ANNAMMA EAPEN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 21.2.2005 IN C.C.977/2005 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE-1, KOTTARAKKARA DATED 26.12.2013.

EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 23.4.2007 IN CRIMINAL APPEAL NO.169/2005 ON THE FILE OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, ADHOC-1, KOLLAM.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 24.7.2007 ON THE FILE OF THIS HON'BLE COURT.

EXHIBIT P4: TRUE COPY OF THE ORDER DATED 13.8.2010 IN CRL.M.A.NO.7383/2010 IN CRL.R.P.NO.2712/2007 ON THE FILE OF THIS HON'BLE COURT.

EXHIBIT P5: TRUE COPY OF THE LETTER DATED 1.9.2014.

EXHIBIT P6: TRUE COPY OF THE DEMAND NOTICE DATED NIL.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.4626 of 2015 (C)

.....
Dated this the 18th day of March, 2015

JUDGMENT

I.A.No.4110 of 2015

Heard. I do not see any reason to extend the time granted by this Court for effecting the payment of Rs.3,00,000/-. I.A. is consequently dismissed.

W.P.(C)

The petitioner had approached this Court challenging the steps taken by the respondents for recovery of amounts due from him pursuant to Ext.P2 judgment.

2. In the writ petition the limited prayer of the petitioner was to permit him to repay the said amount in installments, as the petitioner had approached this Court at a time when he was served with Ext.P6 demand notice under the Kerala Revenue Recovery Act, 1968.

3. When the matter came up for admission, this Court granted the petitioner a stay of further proceedings pursuant to Ext.P6, on condition that the petitioner paid an amount of Rs.3,00,000/- to the 4th respondent on or before 16.03.2015.

4. When the matter was taken up today, it was pointed out by the learned counsel for the petitioner that, the petitioner has not been able to comply with the directions of this Court and has paid only an amount of Rs.50,000/- by the stipulated date. An application seeking extension of time was filed as I.A.No.4110 of 2015, which was dismissed by this Court today.

Under the said circumstances, I am of the view that, the petitioner is not entitled to the discretionary relief of this Court under Article 226 of the Constitution of India. Resultantly, this writ petition fails and it is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/18/03/

