

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).NO. 5704 OF 2015 (K)

PETITIONER(S) :

SUKUMARAN C.E.,
S/O.ITTINDAN,AGED 58,
RESIDING AT CHATHANANICKAL HOUSE,
MARKET.P.O., VELLOORKUNNAM LARA,
MUVATTUPUZHA VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DISTRICT.PIN:686 673

BY ADVS.SRIP.S.SUJETH
SMT.M.R.REENA

RESPONDENT(S) :

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- 1.THE STATE OF KERALA, REP.BY THE SECRETARY-
TO THE REVENUE DEPARTMENT SECRETARIAT,
THIRUVANANTHAPURAM PIN:695 001
 - 2.THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT, COLLECTORATE, KAKKANAD
ERNAKULAM DISTRICT PIN:682 030
 - 3.THE TAHSILDAR, MUVATTUPUZHA TALUK
MUVATTUPUZHA P.O., ERNAKULAM DISTRICT, PIN:686 661
 - 4.THE VILLAGE OFFICE, MUVATTUPUZHA VILLAGE OFFICE
MUVATTUPUZHA P.O., ERNAKULAM DISTRICT, PIN:686 661`
 - 5.THE COMMERCIAL TAX OFFRICER, MINI CIVIL STATION
MUVATTUPUZHA P.O.
ERNAKULAM DISTRICT, PIN:686 661

BY GOVERNMENT PLEADER SRI.SUDHEESH KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE SALE NOTICE ISSUED BY THE TAHSILDAR,
MUVATTUPUZHA DATED 29.12.2014

EXT.P2: TRUE COPY OF NOTICE OF DEMAND DATED 15.10.2013

EXT.P3: TRUE COPY OF THE REPRESENTATION GIVEN TO THE THAHSILDAR,
DATED 10.01.2015

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.5704 of 2015

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Dated this the 23rd day of February, 2015

J U D G M E N T

The challenge in the writ petition is against Ext.P1 notice whereby the sale is proposed of movable property belonging to the petitioner, for recovery of an amount of Rs.37,154/- together with accrued interest and costs representing penalty amounts that were confirmed on the petitioner under the Kerala Value Added Tax Act. The limited prayer of the petitioner in the writ petition is for the grant of instalments to discharge the dues in Ext.P1 and to keep the further proceedings pursuant to Ext.P1 in abeyance till such time.

2. I have heard Sri. P.S.Sujeth, the learned counsel for the petitioner and Sri.Sudheesh Kumar, the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking into the plea of financial hardship urged on the petitioner, I dispose the writ petition with a direction to the petitioner to remit the amount of Rs.7,500/- on or before 24.02.2014 and the balance amounts in two equal monthly instalments commencing from 20.03.2015. If the petitioner complies with the said direction, then the further

proceedings pursuant to Ext.P1 shall be kept in abeyance.

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

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

