IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 7468 of 2014 (G)

PETITIONER :

KRISHNAN K.K.,S/O.KANNAN,
KODAKKALAKKANDY HOUSE, MAYYANNOOR (PO),
VATAKARA (VIA), KOZHIKODE DISTRICT

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS :

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1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY DEPARTMENT OF INDUSTRY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN 695 001.

2. THE GENERAL MANAGER
DISTRICT INDUSTRY CENTRE, KOZHIKODE DISTRICT
PIN 673 001.

3. THE DEPUTY TAHSILDAR (RR)
REVENUE RECOVERY OFFICE, VATAKARA,
KOZHIKODE DISTRICT PIN 673 103.

4. THE VILLAGE OFFICER,
VILLAGE OFFICE, VILLIAPPILLY, VATRAKARA,
KOZHIKODE DISTRICT, PIN 673 103.

5. N.M.RAJEEVAN
S/O.V.KANNAN, 6/241, NEELIMAKKOOL HOUSE,
VILLIAPPALLY (PO), VATRAKARA, KOZHIKODE DISTRICT
PIN 673 103.

6. GIREESH KUMAR.N
S/O.KUNJIKANNAN, 2/315, NELLIOTT HOUSE,
THIRUVALLUR, KOTAPPALLY (PO), VATRAKARA
KOZHIKODE DISTRICT, PIN 673 103.

7. E.K.SURESH
S/O.KELLU KURUP, CP 5/536, MALAYIL HOUSE,
VAIKILASSERY (PO), CHORODE, VATAKARA,
KOZHIKODE DISTRICT, PIN 673 106

8. V.P.GANGADHARAN
S/O.KARUNAKARA KURUP, 9/363, F 465
PADANJARAYIL, VISHNUMANGALAM, NADAPURAM
VATAKARA, KOZHIKODE DISTRICT, PIN 673 506

9. A.DEVARAJAN
S/O.VASUDEVAN, 3/258, CHOYIMADATHIL
AZHIYOOR, VATAKARA , KOZHIKODE DISTRICT
PIN 673 309

10. E.K.BABU
S/O.CHATHU, 2/312, MARUTHOMKARA,
KUTTIADI, VATAKARA, KOZHIKODE DISTRICT
PIN 673 542

11. M.BABURAJ
S/O.GOPALA KURUP, MANGALATH HOUSE, MARUTHOMKARA
KUTTIADI, VATAKARA, KOZHIKODE DISTRICT- PIN 673 508

12. T.VASU
S/O.KUNHIRAMAN.K, 10/411, THAYYULLATHIL HOUSE
KSLLACHI (PO), VATAKARA, KOZHIKODE DISTRICT-PIN 673 506

13. P.K.MURALEEDHARAN
S/O.RAGHAVA KURUP, 10/817, PUTHUKKUDIKKANDIYIL
THODANNUR (PO), VATAKARA, KOZHIKODE DISTRICT- PIN 673 542.

R1 TO R4 BY GOVERNMENT PLEADER SRI. P. FAZIL
R5 TO R12 BY SRI.T.KRISHNAN UNNI SENIOR ADVOCATE
BY ADV. SRI.SAJU.S.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 7468 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: **COPY OF REGISTRATION CERTIFICATE OF M/S.KADATHANAD STEEL ENGINEERING CONSORTIUM PVT.LTD.**

EXHIBIT P2: **COPY OF THE CERTIFICATE INCORPORATION OF THE M/S.KADATHANAD STEEL ENGINEERING CONSORTIUM PVT.**

EXHIBIT P3: **COPY OF THE DEMAND NOTICE DATED 4/12/2013**

EXHIBIT P4: **COPY OF THE REPRESENTATION DATED 12/2/2014**

EXHIBIT P5: **COPY OF THE REPRESENTATION DATED 13/2/2014.**

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C) No. 7468 of 2014 (G)

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Dated this the 14th day of January, 2015

JUDGMENT

The petitioner, who is the managing director of M/s.Kadathanad Steel Consortium Pvt. Ltd., is aggrieved by Ext.P3 notice that was served on him, in connection with revenue recovery proceedings initiated at the instance of the 2nd respondent for recovery of margin money loan amounts advanced to the company. In the writ petition, the petitioner is aggrieved by the steps taken for attachment of his personal property for realisation of the loan amount outstanding from the company. It is pointed out that, narrating the said facts, he has filed Ext.P5 representation before the 2nd respondent, which is pending consideration before the said authority. The limited prayer that is urged at the time of hearing of the writ petition is that, the 2nd respondent may consider and pass orders on Ext.P5 within a short period and in the meanwhile the recovery steps initiated against the petitioner's property being kept in abeyance. It is also submitted that the movable properties of the petitioner were attached and taken away by the 4th respondent, in purported implementation of the recovery steps initiated against the petitioner. It is prayed that the said movables may be restored to his possession pending consideration of the representation by the 1st respondent.

2. I have heard Sri.C.R.Sivakumar, learned counsel for the petitioner and Sri.Fazil.P., learned Government Pleader appearing for the respondent Nos.1 to 4.

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 a direction to the 2nd respondent to consider and pass orders on Ext.P5 representation within a period of two months from the date of receipt of a copy of this judgment. I make it clear that, pending the passing of orders by the 2nd respondent on Ext.P5 representation, and communication of the same to the petitioner, the recovery proceedings initiated pursuant to Ext.P3 shall be kept in abeyance. I further make it clear that, if any movables belonging to the petitioner have been taken over by the respondents in implementation of Ext.P3, then, the same shall be restored to the petitioner forthwith and further action continued only on the basis of the orders to be passed by the 2nd respondent as directed above.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/15/01/