

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 8837 of 2014 (D)

PETITIONER(S):

**R.S.ROSSMILON DANIEL,
EXECUTIVE ENGINEER (RTD.), T.C.NO.4/1518 (2), YGRA-64-B,
KAVU ROAD, KURAVAKONAM, TRIVANDRUM.**

**BY ADVS.SRI.M.PASHOK KUMAR
SMT.BINDU SREEDHAR**

RESPONDENT(S):

- 1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
BALARAMAPURAM, TRIVANDRUM,
REPRESENTED BY ITS BRANCH MANAGER - 695 501.**
- 2. SPECIAL DEPUTY TAHSILDAR (RR),
KERALA STATE FINANCIAL ENTERPRISES LTD. (KSFE),
AKSHAYA SHOPPING COMPLEX, NEYYATTINKARA,
TRIVANDRUM DISTRICT - 695 121.**
- 3. THE TREASURY OFFICER,
DISTRICT TREASURY, ALAPPUZHA - 688 001.**
- 4. VASANTHA PRAMOD,
W/O.G.PRAMOD, KALLUVILA VEEDU, VANNIACODE,
PARASSALA P.O., TRIVANDRUM DISTRICT - 695 502.**
- 5. GLADSTON M.J.,
AGRICULTURAL OFFICER, KISSAN KRISHI DEEPAM, III TKM
TECHNOPARK, KAZHAKKOTTAM, TRIVANDRUM-695582.**
- 6. S.SAJITHA CHRISTABEL,
LOWER PRIMARY SCHOOL ASSISTANT,
S.L.M.S. L.P.S. PARASALA, CHERUVARAKONAM P.O.,
TRIVANDRUM DISTRICT - 695 502.**
- 7. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT, PUBLIC OFFICE,
TRIVANDRUM - 695 001.**

msv/

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**8. THE DRAWING AND DISBURSING OFFICER,
S.L.M.S. LOWER PRIMARY SCHOOL, PARASALA,
CHERUVARAKONAM P.O., TRIVANDRUM DISTRICT - 695 502.**

**R1 & R2 BY ADV. SRI.SASIDHARAN V.N., SC
SRI.ALEXANDER C.V., SC
R3 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 8837 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : THE PHOTOCOPY OF THE NOTICE DT.13-11-2006 ISSUED BY THE
2ND RESPONDENT.**

**EXHIBIT P2 : PHOTOCOPY OF THE PROHIBITORY ORDER DT.28-2-2013 ISSUED BY
THE 2ND RESPONDENT.**

**EXHIBIT P3 : PHOTOCOPY OF THE PROHIBITORY ORDER DT.28-2-2013 ISSUED BY
THE 2ND RESPONDENT.**

**EXHIBIT P4 : PHOTOCOPY OF THE PROHIBITORY ORDER DT.11-3-2013 ISSUED BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 8837 of 2014

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Dated, this the 20th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

- i. Issue a writ of certiorari or any other appropriate writ or order quashing Exts. P2, P3 and P4 prohibitory orders.
- ii. Declare that the 2nd respondent Deputy Tahasildar does not have administrative, territorial or any other jurisdiction over 3rd and 7th respondents.
- iii. Declare that the 2nd respondent does not have any power or authority to attach DCRG invoking the powers under the Revenue Recovery Act.
- iv. Direct the Treasury Officer to release the entire DCRG due to the petitioner forthwith.
- v. Direct the respondents 1 and 2 to recover the amount if any due to them in respect of chitty No. 4/03 - 26 from respondents 4,5 and 6 who were principal debtor and co sureties.
- vi. Declare that the KSFE cannot demand interest for the defaulted amount as the delay for recovery caused

due to the laches and negligence of the 2nd respondent.

Vii. Declare that the amount claimed by KSFE from the petitioner is barred by limitation and the said amount cannot be recovered invoking the provisions of the Revenue Recovery Act.

Viii. To grant such other reliefs, as this Hon'ble Court shall deem just and proper in the interest of justice, including costs.

2. A counter affidavit has been filed by the first respondent to the effect that liability involved in this case has already been cleared. In the said circumstances, nothing further remains to be considered. The writ petition is closed. It is made clear that since the property attached herein is the subject matter of consideration in W.P(C) Nos. 8647 and 9054 of 2014, the fate of the same will depend upon on the outcome of the said writ petitions.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd