

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**WP(C).No. 9993 of 2015 (Y)**  
-----

**PETITIONER(S):**  
-----

1. REEJA JOHN, W/O. JOHN VINCENT T.,  
THALIYADATH HOUSE, FRIENDS AVENUE,  
VADOOKARA POST, KOORKANCHERRY,  
THRISSUR - 680 007.
2. BRIJITHLAL T.,  
S/O. JOHN VINCENT T., THALIYADATH HOUSE,  
FRIENDS AVENUE, VADOOKARA POST, KOORKANCHERRY,  
THRISSUR - 680 007.
3. JOHN VINCENT T.,  
THALIYADATH HOUSE, FRIENDS AVENUE,  
VADOOKARA POST, KOORKANCHERRY,  
THRISSUR - 680 007.

**BY ADV. SRI.DINESH MATHEW J.MURICKEN**

**RESPONDENT(S):**  
-----

1. STATE OF KERALA,  
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,  
THIRUVANANTHAPURAM, PALAYAM.P.O., - 695 001.
2. THE DISTRICT COLLECTOR, THRISSUR,  
COLLECTORATE, AYYANTHOLE P.O., THRISSUR - 680 003.
3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),  
OFFICE OF THE DEPUTY TAHSILDAR, CHEMBUKAVU P.O.,  
THRISSUR DISTRICT - 680 020.
4. THE VILLAGE OFFICER,  
KOORKKANCHERRY VILLAGE OFFICE,  
KOORKKANCHERRY P.O.,  
THRISSUR DISTRICT - 680 007.
5. THE VILLAGE OFFICER,  
ARANATTUKARA VILLAGE OFFICE,  
ARANATTUKARA P.O.,  
THRISSUR DISTRICT - 680 618.

WP(C).NO.9993/2015

6. M/S. FUNDAMENTAL CHITS (P) LTD.,  
REGISTERED OFFICE, 1ST FLOOR, N.P.COMPLEX,  
MANNATH LANE, M.G.ROAD, THRISSUR,  
REPRESENTED BY THE OFFICIAL LIQUIDATOR,  
OFFICE OF THE OFFICIAL LIQUIDATOR, HIGH COURT OF KERALA,  
COMPANY LAW BHAVAN, 3RD FLOOR, THRIKKAKARA.P.O.,  
KOCHI-682 021.

R1 TO R5 BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN  
R6 BY ADV. SRI.K.MONI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

sts

WP(C).No. 9993 of 2015 (Y)

-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

-----

- EXHIBIT-P1- TRUE COPY OF THE REVENUE RECOVERY NOTICE DEMANDING SUM OF RS.61,290/- ISSUED BY THE 3RD RESPONDENT DATED 11/09/2014.
- EXHIBIT-P2- TRUE COPY OF THE ORDER PASSED IN COMPANY APPLICATION NO.453/2014 AND COMPANY APPLICATION NO. 454/2014 IN COMPANY CLAIM NO. 143/2012 IN COMPANY PETITION NO. 42/2007 BY THIS HONOURABLE COURT DATED 26/11/2014.
- EXHIBIT-P3- TRUE COPY OF THE MEMO SUBMITTED BEFORE THIS HONOURABLE COURT EVIDENCING THE PAYMENT OF RS.3000/- AS COST DATED 10/12/2014.
- EXHIBIT-P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE 5TH RESPONDENT DATED 25/03/2015.

RESPONDENT(S)' EXHIBITS:

-----

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

**A. MUHAMED MUSTAQUE, J**

-----  
**W.P.(C).No. 9993 of 2015**  
-----

**Dated this the 23<sup>rd</sup> day of July, 2015**

**JUDGMENT**

The petitioners approached this Court challenging revenue recovery proceedings.

2. The revenue recovery proceedings are initiated to recover the dues to the Company under liquidation. It appears that the petitioners were set ex-parte in the proceedings in relation to the Company. This Court set aside the ex-parte proceedings.

3. In that view of the matter, further proceedings can be initiated only based on the decision of this Court in the Company Application.

4. Accordingly, revenue recovery proceedings are set aside and further recovery proceedings can be initiated only based on the decisions of this Court in the Company Application.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE**