

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10093 of 2015 (J)

PETITIONER(S):

**A.SRINIVAS RAO,
S/O. LATE S.ANANTHA RAO, 9/353, KOSHY NAGAR
POOKKATTUPADY, EDATHALA P.O.
ERNAKULAM DISTRICT - 684 561.**

BY ADV. SRI.P.THOMAS JOSEPH (PALLIVATHUCKAL)

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR
KAKKANAD, ERNAKULAM - 682 030.**
- 2. THE DEPUTY TASILDAR
ALUVA, ERNAKULAM DISTRICT - 683 101.**
- 3. THE VILLAGE OFFICER
EDATHALA, EDATHALA P.O., ERNAKULAM DISTRICT - 683 561.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 10093 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE RENTAL AGREEMENT BETWEEN PETITIONER NO.1 AND K.M.GEORGE WHO IS THE OWNER OF THE BUILDING RENTED OUT EXECUTED ON 17.3.15.**
- P2 - TRUE COPY OF THE DISABILITY CERTIFICATE OF PHYSICALLY HANDICAPPED PERSON ISSUED BY THE DISTRICT MEDICAL BOARD ERNAKLAM ON 06.3.14 ISSUED IN THE FAVOUR OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 10093 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court seeking for a direction to be given to the respondents for not proceeding against him in respect of the default, if at all any, stated as committed by the elder son by name Ashok Rao, who is facing RR proceedings at the instance of BSNL and also the Kerala Sales Tax Department.

2. It is pointed out that the petitioner is residing in a rented premises and that the petitioner does not have any connection with regard to the transaction or business of the son by name Ashok Rao. This being the position, the petitioner is in no way liable to meet the liability, which has been incurred by the son of the petitioner. It is without any regard to the said factual position that the respondents are proceeding against the petitioner, which is sought to be intercepted by this Court by filing this writ petition.

3. The learned Government Pleader submits on instructions

that, the enquiry revealed that the petitioner is now residing in a rented building and that the petitioner is not a defaulter. It is conceded that the respondents do not have any idea to proceed against the movables or immovable properties of the petitioner herein and that they will proceed only against the defaulter son and his properties.

4. The above submission is recorded. It is made clear that no RR proceedings shall be proceeded against the petitioner who is residing in a rented building and the properties therein. The writ petition is disposed of, without prejudice to the rights and liberties of the respondents to proceed against the defaulter in accordance with law.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

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