

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 11064 of 2015 (G)

PETITIONER(S):

**SETHUMADHAVAN.P
S/O.LATE GOPALAN,
PUTHENVEETIL, KIZHAKKETHARA,
PERUVEMBU AMSOM & DESOM,
PALAKKAD TALUK. NOW RESIDING AT
AMBILI VILLA, PRIYADARSHINI NAGAR,
KODUNTHIRAPPULLY P.O., PALAKKAD DISTRICT.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S):

**1.THE SPECIAL DEPUTY TAHSILDAR (RR)
KERALA STATE FINANCIAL ENTERPRISES,
PALAKKAD-II BRANCH, OPP. TO AROMA THEATRE,
PALAKKAD - 678 001.**

**2.KERALA STATE FINANCIAL ENTERPRISES
'BADRATHA', MUSEUM ROAD,
THRISSUR - 20,
REPRESENTED BY THE MANAGING DIRECTOR.**

**3.SELVARAJ @ SELVAN,
S/O.SUBRAMANIAN MOOTHAN,
'GEETHANJALI', BEHIND VADAKKANTHARA TEMPLE,
VADAKKANTHARA P.O., PALAKKAD 678 509.**

**R2 BY ADV.SRI.A.M.ANTONY, SC, KERALA STATE FINANCIAL
ENTERPRISES LTD.**

**R BY GOVERNMENT PLEADER SOBHA ANNAMMA EAPPEN
R BY SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL
ENTERPRISES LTD.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE DEED NO.4952/2001 OF SRO, PALAKKAD.

EXT.P2: COPY OF THE DEED NO.5739/2004 OF SRO, PALAKKAD.

EXT.P3: COPY OF THE COMMUNICATION DATED 22.12.2006 MADE BY UNION BANK OF INDIA, PALAKKAD BRANCH ON RECEIPT OF THE AMOUNT.

EXT.P4: COPY OF THE PLAINT IN O.S.NO.288/2008 ON THE FILE OF MUNSIFF'S COURT AT PALAKKAD.

EXT.P5: COPY OF THE WRITTEN STATEMENT AND COUNTER CLAIM FILED IN EXT.P4 SUIT.

EXT.P6: COPY OF THE ATTACHMENT NOTICE 18.12.2014 ISSUED BY THE RESPONDENT NO.1.

EXT.P7: COPY OF THE PETITION DATED 6.1.2015 SUBMITTED BEFORE THE RESPONDENT NO.1.

EXT.P8: COPY OF THE POSTAL ACKNOWLEDGEMENT CARD ISSUED ON RECEIPT OF EXT.P7.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.11064 OF 2015 (G)

Dated this the 6th day of April, 2015

J U D G M E N T

The limited prayer of the petitioner in the writ petition is that Ext.P7 representation, which has been preferred by him before the 1st respondent, in terms of the Kerala Revenue Recovery Act, be directed to be disposed by the 1st respondent, and till such time, the revenue recovery proceedings initiated against him be kept in abeyance.

2. I have heard the learned counsel for the petitioner, learned Government Pleader for the 1st respondent as also the learned Standing counsel for the 2nd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P7 representation preferred by the petitioner before him, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. It is made clear that recovery

proceedings pursuant to Ext.P6 shall be kept in abeyance till such time as orders are passed by the 1st respondent as directed above and communicated to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp