

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 25389 of 2004 (V)

PETITIONER:

P.V.ABDUL KHADAR,S/O.AHAMMEDKOYA THANGAL,
WITH PERMANENT ADDRESS KIZHAKKOTH VILLAGE,
KOZHIKODE TALUK & (DIST.), REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER C.HASHIM, AGED 32,
S/O.C.SEETHY, 3/625, WYAND ROAD, KOZHIKODE-11.

BY ADVS.SRI.PHILIP ANTONY CHACKO
SRI.K.SHANTHI

RESPONDENT(S):

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1. UNION OF INDIA, REPRESENTED BY THE SECRETARY
TO GOVERNMENT, MINISTRY OF FINANCE,
CENTRAL SECRETARIAT, NEW DELHI-1.
 2. THE DEBTS RECOVERY TRIBUNAL
(KERALA AND LAKSHADWEEP), 8TH FLOOR,
KERALA STATE HOUSING BOARD BUILDING,
PANAMPILLY NAGAR, KOCHI-36.
 3. VIJAY KUMAR PILLAI, THE RECOVERY OFFICER,
OFFICE OF THE RECOVERY OFFICE,
DEBTS RECOVERY TRIBUNAL, (KERALA & LAKSHADWEEP),
8TH FLOOR, KERALA STATE HOUSING BOARD BUILDING,
PANAMPILLY, NAGAR, KOCHI-36.
 4. THE FEDERAL BANK, ERNAKULAM NORTH BRANCH,
BANERJI ROAD, ERNAKULAM, KOCHI, KERALA.

*ADDL. R5 IMPEADED

5. THE COCHIN MALABAR ESTATE AND INDUSTRIES LTD.,
MALABAR HOUSE, 56, BRISTOW ROAD,
WILLINGDON ISLAND, KOCHI - 3.

ADDL.R5 IMPEADED AS PER ORDER DATED 16.11.2004 IN IA 15453/2004.

R1 BY SRI.N.NAGARESH, A S G OF INDIA
R2 BY ADV. SRI.DINESH R.SHENOY, CGC
R3 BY SRI.M.PATHROSE MATTHAI (SENIOR ADVOCATE)
R4 BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

WP(C).No. 25389 of 2004 (V)

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1 : THE TRUE COPY OF THE AFFIDAVIT DATED 6.8.2004 AND PETITION
DATED 10.8.2004 FILED BY THE PETITIONER BEFORE THE D.R.T.

RESPONDENTS' EXHIBITS:

EXT.R3(A) : TRUE COPY OF ORDER DATED 20.10.2003 ISSUED BY THE
3RD RESPONDENT.

EXT.R3(B) : TRUE COPY OF ORDER DISMISSING IA.NO.138/2004
DATED 16.6.2004 ISSUED BY THE 3RD RESPONDENT.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P.(C). No. 25389 of 2004

Dated this the 30th day of June, 2015

J U D G M E N T

Learned counsel for the petitioner submits that, in spite of the registered notice, parties have not tuned up.

2. This matter is relating to the challenge raised against the proceedings before the DRT. The main relief sought is to withdraw the Certificate of Recovery issued in the name of Vijayakumar Pillai, Recovery Officer, and entrust to the Certificate of recovery for execution to another officer.

3. Considering the relief sought for, I am of the view that, the matter has become infructuous.

Accordingly, the writ petition is dismissed as infructuous.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.