

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 18384 of 2009 (P)

PETITIONER(S) :

AXIS BANK LTD. ,
(FORMERLY KNOWN AS UTI BANK LTD) ,
41/41B, GROUND FLOOR, CHICAGO PLAZA,
RAJAJI ROAD, ERNAKULAM, KOCHI-682 035,
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR.MITHUN MOHAN.

BY ADVS.SRI.SANTHOSH MATHEW &
SRI.SATHISH NINAN.

RESPONDENT(S) :

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, SECRETARIAT,
THIRUVNANTHAPURAM.
 2. THE DISTRICT COLLECTOR,
ERNAKULAM.
 3. THE TAHSILDAR,
TALUK OFFICE, KUNNATHUNADU, PERUMBAVOOR.
 4. SRI.M.A.HASSAN,
MACKANAYATHU MUDIKKAL,
P.O. PALLIKAYALA, PERUMBAVOOR, KERALA.
 5. SRI.ABDUL SALAM,
MANIYATTUKUDI,
NELLIKKUZHI P.O., KOTHAMANGALAM.

R4 BY ADV. SRI.P.M.HABEEB,
R5 BY ADV. SRI.M.RAMESH CHANDER &
BY GOVERNMENT PLEADER SRI. S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT P1: TRUE PHOTOCOPY OF THE SANCTION LETTER DATED 25/11/2004.
- EXHIBIT P2: TRUE PHOTOCOPY OF THE DECLARATION GIVEN BY THE 4TH RESPONDENT ON 07/12/2004.
- EXHIBIT P3: TRUE PHOTOCOPY OF THE NOTICE DATED 22/06/2006.
- EXHIBIT P4: TRUE PHOTOCOPY OF THE ACKNOWLEDGEMENT CARD DATED 28/06/2006.
- EXHIBIT P5: TRUE PHOTOCOPY OF THE POSSESSION NOTICE DATED 19/12/2006.
- EXHIBIT P6: TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN THE HINDU DAILY DATED 21/12/2006.
- EXHIBIT P7: TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN THE MANGALAM DAILY DATED 21/12/2006.
- EXHIBIT P8: TRUE PHOTOCOPY OF THE APPLICATION NUMBERED AS FILE NO.M1-60136/07 DATED 06/11/2007 MADE BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR.
- EXHIBIT P9: TRUE PHOTOCOPY OF THE LETTER SENT BY THE DISTRICT COLLECTOR TO THE TAHSILDAR.
- EXHIBIT P10: TRUE PHOTOCOPY OF THE JUDGMENT DATED 03/03/2008 IN WP(C)NO.5378/2008.
- EXHIBIT P11: TRUE PHOTOCOPY OF THE ENCUMBRANCE CERTIFICATE DATED 20/09/2008 FOR THE PERIOD FROM 01/10/2004 TO 17/09/2008.
- EXHIBIT P12: TRUE PHOTOCOPY OF THE COMMUNICATION RECEIVED FROM THE TAHSILDAR.

RESPONDENT(S) ' EXHIBITS :

- EXHIBIT R5 (A) : TRUE PHOTOCOPY OF PROCEEDINGS OF THE REVENUE DIVISIONAL OFFICER DATED 24/03/08.
- EXHIBIT R5 (B) : TRUE PHOTOCOPY OF THE DECLARATION OF THE REVENUE DIVISIONAL OFFICER DATED 28/06/08.
- EXHIBIT R5 (C) : TRUE PHOTOCOPY OF TAX RECEIPT DATED 29/05/10 ISSUED BY VENGOLA VILLAGE OFFICER.
- EXHIBIT R5 (D) : TRUE PHOTOCOPY OF SALE DEED DATED 11/11/2008.
- EXHIBIT R5 (E) : TRUE PHOTOCOPY OF THE ENCUMBRANCE CERTIFICATE DATED 04/05/2010.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. Vinod Chandran, J

W.P.(C).No.18384 of 2009-P

Dated this the 25th day of May, 2015

JUDGMENT

The issue raised in the above writ petition is with respect to the statutory charge created by the Kerala General Sales Tax Act, 1963 and the precedence it has over the mortgage created in favour of the financial institution. The issue is covered by the decision of the Hon'ble Supreme Court in ***Central Bank of India v. State of Kerala [(2009) 4 SCC 94]***, against the petitioner. The writ petition, therefore, would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]