

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

W.P.(C).No.21433 of 2007 (B)

PETITIONER(S):

THE ALAPPUZHA DISTRICT AGRICULTURAL
MARKETING AND PROCESSING SOCIETY LIMITED NO.A-1083,
KAVALAM P.O., NEELAMPEROOR, ALAPPUZHA DISTRICT,
REPRESENTED BY ITS SECRETARY, P.R.JAYAPRAKASH.

BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN.

RESPONDENT(S):-

1. THE DISTRICT COLLECTOR, ALAPPUZHA.
2. THE TAHSILDAR, KUTTANAD.
3. THE ASSISTANT DIRECTOR OF AGRICULTURE,
RAMANKARY, ALAPPUZHA DISTRICT.
4. THE PRINCIPAL AGRICULTURAL OFFICER, ALAPPUZHA.
5. KERALA STATE CIVIL SUPPLIES CORPORATION LTD.,
MAVELI BHAVAN, GANDHI NAGAR, KOCHI - 682 020,
REPRESENTED BY ITS MANAGING DIRECTOR.
6. STATE BANK OF TRAVANCORE,
KAINAKARY BRANCH, ALAPPUZHA DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN.
R5 BY STANDING COUNSEL SRI N.D.PREMACHANDRAN.
R6 BY STANDING COUNSEL SRI.SATHISH NINAN &
SRI.SANTHOSH MATHEW
R5 BY ADV. SMT.MOLLY JACOB, SC, SUPPLYCO.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 COPY OF THE CERTIFICATE OF REGISTRATION DATED 23.1.2003
ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL).
- EXT.P2 COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE
PETITIONER AND 5TH RESPONDENT DATED 2.6.2005.
- EXT.P3 COPY OF THE COMMUNICATION OF THE 5TH RESPONDENT
DATED 24.11.2005.
- EXT.P4 COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 15.12.2006.
- EXT.P5 COPY OF THE CHEQUE ISSUED TO THE PETITIONER DATED 1.1.2007.
- EXT.P6 COPY OF THE COMMUNICATION OF THE 4TH RESPONDENT TO THE
1ST RESPONDENT DATED 30.1.2007.
- EXT.P7 COPY OF THE RECOVERY NOTICE DATED 27.12.2006.

RESPONDENT(S)' EXHIBITS:-

- EXT.R5(a) TRUE PHOTO COPY OF THE LETTER DATED 30.11.2005 OF
PALLIAKKAVU SERVICE CO-OPERATIVE SOCIETY LTD. NO.A 929,
KAVALAM ADDRESSED TO THE ADDITIONAL GENERAL MANAGER
(COMMERCE) OF THE 5TH RESPONDENT CORPORATION.
- EXT.R5(b) PHOTO COPY OF THE AUDIT REPORT OF MANAGER (AUDIT OF
THE 5TH RESPONDENT CORPORATION SHOWING THE STATEMENT
OF AMOUNT DUE FROM THE PETITIONER SOCIETY.
- EXT.R5(c) TRUE COPY OF THE LETTER DATED 9.12.2005 OF THE PETITIONER
SOCIETY ADDRESSED TO THE BRANCH MANAGER, NEW INDIA
ASSURANCE CO. LTD., ALAPPUZHA.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.21433 of 2007-B

Dated this the 09th day of June, 2015

JUDGMENT

The prayer in the writ petition is to permit the petitioner to encash Exhibit P5 cheque.

2. For one, the cheque is dated 01.01.2007 and there is no question of such encashment of a cheque, since the validity for a Banker's cheque, at that point of time, was only six months.

3. Further, the learned counsel appearing for the 5th respondent submits that there are some transactions between the 5th respondent and the petitioner and the amounts indicated in Exhibit P5 cheque is attached under revenue recovery proceedings. Without a challenge to such revenue recovery proceedings, no writ petition can be maintained.

The writ petition is closed, leaving open the contentions of either parties. No costs.

Sd/-
K.Vinod Chandran
Judge.

vk/-

[true copy]