

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 17362 of 2011 (U)

PETITIONER:

P.K.MANOCHARAN, AGED 54 YEARS,
S/O.LATE P.V.BALAKRISHNAN NAIR,
RAJESWARI BHAVAN, AZHIKODE,
KANNUR- 670 009.

BY ADVS.SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU
SMT.C.S.RAJANI

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD
REP.BY ITS SECRETARY, VYDHYUDHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM-1.
2. THE DISTRICT COLLECTOR,
COLLECTORATE, KANNUR- 670 002.
3. THE SPECIAL DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, CIVIL STATION,
KANNUR- 670 002.
4. P.A.RADHAKRISHNAN NAMBIAR,
ADVOCATE RECEIVER,
M/S.KAMALA INTERNATIONAL HOTEL,
S.M.ROAD, KANNUR-1.

R1 BY ADV. SMT.P.K.RADHIKA-KSEB
R4 BY ADV. SRI.C.KHALID
R4 BY ADV. SRI.PHIJO PRADEESH PHILIP
R3 BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE ORDER DATED 11.04.2007
- EXHIBIT P2 : TRUE COPY OF THE LETTER DTD. 16.04.2007.
- EXHIBIT P3 : TRUE COPY OF THE NOTICE DATED NIL ISSUED BY THE THIRD RESPONDENT.
- EXHIBIT P4 : TRUE COPY OF THE NOTICE DATED 02.05.2011 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.
- EXHIBIT P5 : TRUE COPY OF THE REPLY DATED 16.06.2011 SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

RESPONDENT(S) EXHIBITS

- EXHIBIT R4 A : TRUE COPY OF THE LETTER SEND BY K SHELLY DATED 01.08.2007.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 17362 OF 2011

Dated this the 4th day of February, 2015

JUDGMENT

The period for which the demand for electricity dues is made commences from 01.02.2011 as per Ext.P4 notice. But then the fourth respondent was appointed as the Panel Receiver in respect of the property by Ext.P1 order dated 11.04.2007. The petitioner cannot be mulcted with the liability for the period after Ext.P1 order even though the parties are at variance as to whether the fourth respondent has assumed charge as receiver or not.

2. It is reported that Mr. Justice C.S. Rajan was appointed as the sole arbitrator in order to resolve the dispute between the parties. OP(Arbitration) Nos. 414/2009, 415/2009 and 416/2009 are pending on the file of the court of the District Judge of Thalassery to set aside the award passed by the arbitrator. It is only proper that the first respondent Kerala State Electricity Board makes a motion in the above arbitration original petitions pending for realising amount due to them.

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3. It is open to the court of the District Judge of Thalassery to pass appropriate orders in that regard after hearing all parties concerned within the shortest possible time. Every endeavour shall be made to make tentative arrangements for clearing the dues of the Kerala State Electricity Board within two months from the date of production of a copy of this judgment.

4. It is ordered that Ext.P4 notice shall not be enforced against the petitioner since the period falls after the appointment of the fourth respondent as the receiver.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd