

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 15649 of 2015 (E)

PETITIONER(S):

ABDULLA E.S.,
S/O. SULAIMAN, ELLUVARAM HOUSE, NORTH VAZHAKULAM
MARAMPILLY, ERNAKULAM.

BY ADV. SRI.K.I.SAGEER

RESPONDENT(S):

1. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM-682 011.
2. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, THRISSUR.
3. COMMERCIAL TAX OFFICER,
KODUNGALLUR, THRISSUR DISTRICT-680 664.
4. DEPUTY TAHSILDAR (REVENUE RECOVERY),
TALUK OFFICE, KUNNATHUNADU, PERUMBAVOOR,
ERNAKULAM DISTRICT-683 542.
5. VILLAGE OFFICER,
MARAMPILLY VILLAGE, MARAMPILLY, ERNAKULAM-683 107.

BY SENIOR GOVERNMENT PLEADER SMT. SWOBHA ANNAMMA EAPEN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1 : A COPY OF THE ORDER NO.32081002604/2011-2012
DTD.7.9.2011 ISSUED BY THE 3RD RESPONDENT.

EXT. P2 : A COPY OF THE APPEAL NO.1427/2012 ON THE FILE OF THE 1ST
RESPONDENT DTD.4.10.2011.

EXT. P3 : A COPY OF THE STAY PETITION IN EXT.P2 APPEAL
DTD.4.10.2011.

EXT. P4 : A COPY OF THE JUDGMENT DTD.18.1.2012 IN WPC NO.1427/2012
OF THIS HON'BLE COURT.

EXT. P5 : A COPY OF THE DEMAND NOTICE NO.D7-7243/14 DTD.19.5.2014
ISSUED BY THE 4TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15649 of 2015

Dated this the 29th day of May, 2015

J U D G M E N T

The petitioner preferred Ext.P2 appeal and Ext.P3 stay petition before the 1st respondent against Ext.P1 order of the 3rd respondent. The appeal was transferred to the 2nd respondent. In fact, the appeal has been pending before the 1st respondent, this Court directed the 1st respondent to consider the stay application within four weeks. This Court also ordered that, recovery proceedings during the interregnum shall be kept in abeyance.

2. In view of the fact that the appeal has been transferred to the 2nd respondent, the 1st respondent could not pass any order as directed by this Court.

In view of the facts and circumstances of the case, this writ petition is disposed of directing the 2nd respondent to consider the stay application, after giving notice to the petitioner, within a period of one month from the date of receipt of a copy of this judgment. Till the disposal of stay application, all recovery proceedings shall be kept in abeyance. The petitioner is directed to produce a copy of this judgment before the 2nd respondent for compliance.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.