

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

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

WP(C).No. 15729 of 2015 (M)

PETITIONER:

**PRASANTH.K.G, S/O.GOPI,
SHOORANATTUPARAMBU, VAYANASALA,
ELAMAKKARA PO, ERNAKULAM DISTRICT - 682026.**

BY ADV. SRI.SHERRY J. THOMAS

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. M./S. APPLE A DAY PROPERTIES PVT. LTD.,
REGISTERED OFFICE, APPLE TOWER,
PALARIVATTOM, EDAPPALLY BYE PASS ROAD,
KOCHI - 682024.**
- 3. K.A SHAJU, MANAGING DIRECTOR,
M/S.APPLE A DAY PROPERTIES PVT. LTD.,
S/O.T.K.ABDUL KHADAR, BUSINESS,
POOVATHUMMOTTIL, KADAVIL, EDAPPALLY P.O,
KOCHI - 682024.**
- 4. ADMINISTRATOR, VINOD MADHAVAN ADVOCATE,
APPOINTED BY HC OF KERALA IN LIQUIDATION OF
M/S.APPLE A DAY PROPERTIES PVT. LTD.
5TH FLOOR, APPLE TOWER, NH BYE PASS KOCHI - 24.**
- 5. DISTRICT COLLECTOR, ALAPPUZHA,
COLLECTORATE, ALAPPUZHA - 688001.**

**R1 & R5 BY GOVERNMENT PLEADER SMT.C.K.SHERIN
R3 BY ADV. SRI.VINOD NATH**

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

mbr/

WP(C).No. 15729 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1: THE TRUE COPY OF THE AGREEMENT ENTERED BETWEEN THE
3RD RESPONDENT AND THE PETITIONER DATED 23.02.2010.**

**P2: THE TRUE COPY OF THE ORDER OF THE CONSUMER DISPUTE REDRESSAL
FORUM ERNAKULAM DATED 31.12.2012.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No.15729 of 2015

Dated this the 29th day of May, 2015

J U D G M E N T

The petitioner seeks priority in payment of amounts due from the 2nd and 3rd respondent, in view of Ext.P2 order passed by the Consumer Disputes Redressal Forum, Ernakulam. Admittedly, the properties of the respondents 2 and 3 are now under administration of the 4th respondent as ordered by the Company Court of this High Court.

2. I have heard the learned counsel for the petitioner as also the Administrator, the 4th respondent. The learned Administrator would contend that the entire properties are under administration, in accordance with a scheme formulated by the Company Court and sanctioned by Company Petition No.4 of 2014 and connected cases. The properties sought to be proceeded

against by the petitioner, who allegedly stands outside the scheme, are also directed to be sold by the Company Court; is the submission made. In such circumstance, the appropriate remedy of the petitioner would be to approach the Company Court for the remedies sought for in the above writ petition in a properly instituted Company Petition.

Writ petition closed leaving open the remedy of the petitioner as reserved herein. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge