

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 16418 of 2014 (B)

PETITIONER(S) :

P.V. SEETHARAMAN, AGED 48 YEARS
S/O.LATE VASUDEVA RAO, VASANTH NIVAS
KARUVELIPADY COCHIN-682 005.

BY ADVS.SRI.DINESH R.SHENOY
SRI.SUJITHKUMAR.

RESPONDENT(S) :

1. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF REVENUE DIVISIONAL OFFICER,
FORT KOCHI, COCHIN-682 001.
2. THE SUB INSPECTOR OF POLICE,
THOPPUMPADY POLICE STATION,
COCHIN - 682 005.
3. M. JAYALAKSHMI,
W/O.LATE SREEDHARAN EMBRANTHIRI, 29/170,
CORPORATION OF COCHIN,
ELAMAKKARA P.O., COCHIN-682 026

R3 BY ADV. SRI.S.MANU,
R3 BY ADV. SRI.ABHISHEK KURIAN &
BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI M.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1 - TRUE PHOTOCOPY OF PETITION NO.C-1681 OF 2012,
REVENUE DIVISIONAL OFFICER.
- EXT.P2 - TRUE PHOTOCOPY OF THE FINAL DECREE DATE 4-6-2008 IN
IA NO.2476/2008 IN OS NO.322/2007 SUB COURT,
ERNAKULAM.
- EXT.P3 - TRUE PHOTOCOPY OF JUDGMENT DATED 23-12-2011 IN OS
NO.808/2009 SUB COURT ERNAKULAM.
- EXT.P4 - TRUE PHOTOCOPY OF COUNTER AFFIDAVIT DATED 3-7-2012
FILED BY THE PETITIONER IN PETITION NO.C-1681/2012
ON THE FILE OF THE REVENUE DIVISIONAL OFFICER, FORT
KOCHI.
- EXT.P5 - TRUE PHOTOCOPY OF RECALL PETITION DATED 25-6-2014
FILED BEFORE THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS :

- EXT.R3 (A) - TRUE PHOTOCOPY OF THE ORDER DATED 12/11/2013.
- EXT.R3 (B) - TRUE PHOTOCOPY OF THE APPLICATION DATED 11/03/2014.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.16418 of 2014

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Dated this the 4th day of March, 2015

JUDGMENT

The petition has been filed with the following prayers:

- a) To issue a writ, order or direction directing the 1st respondent to consider and pass orders on Ext.P5 petition dated 25.06.2014, with notice to and after hearing the petitioner also.
- b) To issue writ, order or direction setting aside the warrant of arrest issued against the petitioner in File No.C-1681/2012 (now S 2404/2014) on the file of the 1st respondent.
- c) Grant such other reliefs as are deemed fit and proper in the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner was constrained to approach this Court, mainly because of the fact that the office of the 1st respondent was remaining vacant. But now, an officer has been appointed, who has taken charge and as such, the matter can be caused to considered by the said respondent. It is with this intent that the petitioner has filed I. A No.16677/2014 with the following prayer:

To direct the office to send back all the records pertaining to File No.C-1681/2012 (now S-2404/2014) on the file of the 1st respondent to the office of the 1st respondent, maintaining the interim

stay granted against arrest of the petitioner till final orders are passed therein in the interest of justice.

3. The dispute is mainly with regard to the denial of opportunity of hearing and the adverse circumstances resulted by virtue of the warrant ordered. Further proceedings were intercepted by this Court by passing an interim order, which was being extended from time to time. Pursuant to the interim order, the relevant file was produced by the learned Government Pleader.

4. The learned counsel for the petitioner submits that the petitioner is ready to appear before the 1st respondent and that the file might be ordered to be sent back for further consideration. No other relief is sought for in the writ petition.

The writ petition stands disposed of without prejudice to the rights and liberties of the petitioner and the 3rd respondent to pursue the matter before the 1st respondent. The file stated as produced by the learned Government Pleader will stand returned to the learned Government Pleader so as to have it transmitted to the 1st respondent for further steps.

The interim order will continue for a period of one month.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE