

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 29743 of 2004 (N)

PETITIONER(S):

**K.A.PADMANABHAN, S/O. KOCHAPPAN,
AGED 60 YEARS , KANDIKKARANKUMBIL,
PANAVALI VILLAGE, CHERTHALA TALUK,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.VARGHESE C.KURIAKOSE
SRI.JACOB SEBASTIAN
SRI.PRAVEEN K. JOY**

RESPONDENT(S):

- 1. ST.MARY'S FINANCE LIMITED,
NEDUMCHALIL BUILDINGS, MULLASSERY CANAL ROAD
ERNAKULAM, KOCHI, (NOW UNDER LIQUIDATION)
REP.BY THE OFFICIAL LIQUIDATOR, HIGH COURT, OF KERALA
ERNAKULAM.**
- 2. THE DEPUTY TAHSILAR (REVENUE RECOVERY),
CHERTHALA, ALAPPUZHA DISTRICT.**

**R1 BY ADV. SRI.KHALID.
R2 BY GOVERNMENT PLEADER MR.T.RAMAPRASAD UNNI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 29743 of 2004 (N)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1 : TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED
24.11.2003, SENT BY THE 2ND RESPONDENT TO THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.M.SHAFIQUE, J

W.P.(C).No.29743 of 2004

Dated this the 25th day of June, 2015

JUDGMENT

The petitioner challenges Ext.P1 revenue recovery notice issued under Section 7 of the Kerala Revenue Recovery Act, 1968, seeking to recover an amount of Rs.44,830/- from the petitioner. In terms of Ext.P1, it is stated that the amount is demanded on the basis of a requisition made by the Official Liquidator, High Court of Kerala.

2. The petitioner contended that he had availed of a loan from St.Mary's Finance Ltd., by giving a fixed deposit of Rs.25,000/- as security. It is stated that he was making regular payments, but later, his business went into a loss. On receiving Ext.P1, he went to the office of St.Mary's Finance Ltd., and it was found to be closed on account of liquidation by the High Court of Kerala. The petitioner submits that the amounts claimed has been calculated in violation of the guidelines set up by the High

Court of Kerala and therefore, the demand is bad in law.

3. Perusal of the above writ petition itself would indicate that the issue projected by the petitioner is with reference to a demand made by the Official Liquidator in the matter relating to liquidation proceedings being taken against the St.Mary's Finance Ltd. The company has been wound up as per the directions issued by the Company Court in C.P.No.18/1999. Under such circumstances, the only remedy available to the petitioner is to challenge the demand by filing an appropriate application before the Company Court. Since the above matter was pending before this Court for the last several years, it shall be open to the petitioner to approach the Company Court by seeking exclusion of the period in which the original petition was pending before this Court.

With the above observation the writ petition is dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

VS