

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 17590 of 2015 (W)

PETITIONER :

**RADHAKRISHNAN.U., AGED 57 YEARS,
SREE DURGA CATERING SERVICES PARIMANATHU,
MUTTATHIPARAMBU, ALAPPUZHA.**

BY ADV. SRI.A.KRISHNAN

RESPONDENTS :

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY REVENUE DEPARTMENT,
TRIVANDRUM - 695 001.**
- 2. THE INTELLIGENCE OFFICER,
SQUAD NO.III, COMMERCIAL TAXES MINI CIVIL STATION,
OPPOSITE BOAT JETTY, ALAPPUZHA - 688 013.**
- 3. THE DEPUTY COMMISSIONER,
VAZHICHERRY, MARKET ROAD, ALAPPUZHA - 688 001.**

BY GOVERNMENT PLEADER SMT. SHOBA ANNAMMA EAPPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE PENALTY ORDER PASSED BY THE 2ND RESPONDENT
DT. 26.12.14.
- P2: TRUE COPY OF THE DEMAND NOTICE, DT. 26.12.14 BY THE 1ST
RESPONDENT TO THE PETITIONER.
- P3: TRUE COPY OF THE APPEAL FILED BY PETITIONER BEFORE THE 3RD
RESPONDENT.
- P4: TRUE COPY OF THE STAY PETITION FILED ALONG WITH P3 APPEAL.
- P5: TRUE COPY OF THE DELAY PETITION FILED ALONG WITH EXT.P3 APPEAL.
- P6: TRUE COPY OF THE EARLY HEARING PETITION FILED ALONG WITH EXT. P3
APPEAL.
- P7: TRUE COPY OF THE HEARING NOTICE DT. 19.3.15.
- P8: TRUE COPY OF THE ORDER DT. 25.5.15.
- P9: TRUE COPY OF THE MEDICAL CERTIFICATE DT. 20.3.15.
- P10: AFFIDAVIT OF AUTHORIZED REPRESENTATIVE.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17590 of 2015

Dated this the 12th day of June, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the dismissal of application for condonation of delay filed along with the revision.

2. The delay was about 35 days. Even though the petitioner stated the reason for delay on medical grounds, he did not produce any medical certificate to establish the same. Taking into account the said fact, the revisional authority dismissed the delay condonation petition.

3. Considering the nature of the delay, I am of the opinion that, a lenient view is required in the matter. Though the petitioner's latches cannot be condoned, that latches can be remedied by imposing cost. The proportionate remedy for latches could be measured through imposing cost. In that view of the matter, the impugned order is set aside. This writ petition is disposed of following conditions :

1. The petitioner shall deposit ₹5,000/- (Rupees Five thousand only) to the Government under the head Other Receipts (Account No.0040-00-1119109) and another amount of ₹5,000/- (Rupees Five thousand only) to the Kerala Mediation Centre within two weeks from today.

2. The petitioner shall produce a copy of the receipt of payments before the revisional authority. Thereupon, the revision authority shall restore the revision and dispose of the same in accordance with law.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV