

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 24184 of 2010 (W)

PETITIONER(S):

**V.SUNIL KUMAR,
S/O.VELUKUTTY, PRAVEENA COTTAGE, THYCAUD
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.PRATHAP PILLAI
SRI.BENOJ C AUGUSTIN**

RESPONDENT(S):

- 1. DEPUTY TAHSILDAR (R.R.),
THIRUVANANTHAPURAM.**
- 2. THE VILLAGE OFFICER,
THYCAUD, THIRUVANANTHAPURAM.**
- 3. EXECITIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL DIVISION,
ADIMALI, KALLARKUTTY(PO).**

**R1 & 2 BY GOVERNMENT PLEADER SMT.SHEEBA. M.T.
R3 BY ADV. SMT.P.K.RADHIKA, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 24184 of 2010 (W)

APPENDIX

PETITIONERS' EXHIBITS

P1: TRUE COPY OF THE NOTICE ISSUED BY THE R1 DATED 28/6/2010

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.24184 of 2010

Dated this the 25th day of May, 2015

JUDGMENT

The petitioner was running “B Six Resorts” at Munnar. This Resort was demolished by the “Task Force” during the year 2007. The petitioner appears to have been served with demand notice in the address shown in the Resort and on account of non-payment of the demand issued by the Electricity Board, they referred the matter to the Revenue Department for recovery. Accordingly, Ext.P1 notice has been issued. The petitioner challenges Ext.P1 notice.

2. The petitioner's case is that no notice has been served on him and therefore, Ext.P1 is liable to be set aside.

3. It is admitted in the courter affidavit that since no address of the petitioner was available with the Electricity Board, as the new address of the petitioner was not informed, the demand notice could not be served. It is further submitted that

the electricity charges demanded against the petitioner for the last two months just before the month the Resort was demolished and the electricity charges that would have otherwise been payable by the petitioner. They also calculated the charges payable by him.

In view of the fact that the provisional demand was not served on the petitioner, I am of the view, the revenue recovery is unsustainable. The Electricity Board is at liberty to serve a provisional demand on the petitioner in the address shown in the writ petition. This shall be done within two months. Thereafter, if the petitioner raises his objection in demand, final order shall be passed without any delay, at any rate, within a further period of two months. With that liberty to the Electricity Board, Ext.P1 is quashed. The amount already paid would be subject to any order to be passed pursuant to the directions of this Court.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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