

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23748 of 2015 (P)

PETITIONER :

**SRI.R.K.RAJESH KHANNA,
M/S.R.K.FINANCE, BUILDING NO.XXVI/426, CURZON NAGAR,
OPP. SUMANGALI AUDITORIUM, CUTCHERY WARD, KOLLAM.**

**BY SRI.S.SREEKUMAR,SENIOR ADVOCATE
ADV. SRI.LEO GEORGE**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001**
- 2. THE COMMISSIONER OF COMERCIAL TAXES,
KOLLAM -691 001**
- 3. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOLLAM- 691 001**
- 4. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, KOLLAM- 691 001**

BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE SALE DEED NO.1615/2008 OF ERAVIPURAM SRO DATED 11/04/2008
- P2: TRUE COPY OF THE UPTO DATE BASIC TAX RECEIPT DATED 06.04.2015 ISSUED BY THE VILLAGE OFFICER, KOLLAM WEST VILLAGE
- P3: TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE FOURTH RESPONDENT PERMITTING THE PETITIONER TO CONDUCT BUSINESS OF MONEY LENDING IN BUILDING NO.MC XXVI/426
- P4: TRUE COPY OF THE PRINT OUT OF THE RECEIPT EVIDENCING PAYMENT OF RENEWAL FEES BY THE PETITIONER WITH RESPECT TO THE LICENSE UNDER THE KERALA MONEY LENDERS ACT FOR THE YEAR 2015-16
- P5: TRUE COPY OF THE PLAINT IN OS.NO.115/2010 BEFORE THE SUB COURT, KOLLAM DATED 09.02.2010
- P6: TRUE COPY OF THE INTERM ORDER PASSED BY THE HONOURABLE HIGH COURT OF KERALA IN WPC.NO.13478/2015 DATED 12.05.2015
- P7: TRUE COPY OF THE INTERIM ORDER PASSED BY THE HONOURABLE HIGH COURT OF KERALA EXTENDING THE OPERATION OF EXHIBIT P6 ORDER DATED 13.07.2015
- P8: TRUE COPY OF THE OPINION OF THE ADVISORY BOARD CONSTITUTED UNDER SECTION 8(1) OF THE KERALA ANTI SOCIAL ACTIVITIES (PREVENTION) ACT 2007 DATED 12.06.2015
- P9: TRUE COPY OF THE ORDER OF REVOCATION OF DETENTION ISSUED BY THE GOVERNMENT DATED 17.06.2015
- P10: TRUE COPY OF THE NOTICE ISSUED BY THE FOURTH RESPONDENT AT THE OFFICE OF THE PETITIONER DATED 09.06.2015
- P11: TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO EXHIBIT P10 NOTICE ISSUED BY THE FOURTH RESPONDENT DATED NIL
- P12: TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE FOURTH RESPONDENT DATED 13.07.2015
- P13: TRUE COPY OF THE ORDER BEARING NO.320204 28813/2015-16 DATED 31.07.2015 ISSUED BY THE FOURTH RESPONDENT

WP(C).NO.23748/2015

P14: TRUE COPY OF THE MEMORANDUM OF APPEAL WITHOUT ANNEXURES
FILED BEFORE THE THIRD RESPONDENT DATED NIL

P15: TRUE COPY OF THE INTERLOCATORY APPLICATION FILED BY THE
PETITIONER IN EXHIBIT P14 APPEAL DATED NIL.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P(C). No. 23748 of 2015

Dated this the 7th day of August, 2015

J U D G M E N T

The petitioner challenging Ext.P13 order under the Kerala Money Lenders Act, has approached the appellate authority. The impugned order cancelled the petitioner's licence. This Court granted an interim stay on 05.08.2015. Petitioner also moved an application for stay before the appellate authority.

2. In that view of the matter, the appellate authority is directed to consider the stay application after notice to the petitioner within four weeks from the date of receipt of a copy of this judgment. In the event the appellate authority dismisses the stay application, to work out alternative remedy, the dismissal shall be suspended for one week after communicating to the petitioner. Till a decision is taken by the appellate authority in the stay application, the interim order passed by this Court will continue.

This writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.