

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

W.P.(C).No. 24301 of 2015 (K)

PETITIONER:

JAYACHANDRAN A.N,
S/O.LATE NARAYANAN, IKKARATHAKIDIYIL, PARAKADAVU,
KOTTAPPURAM P O, IDUKKI.

BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN
SRI.S.K.HARISH
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE

RESPONDENTS:

1. SHAJI SEBASTIAN,
AVOMOOTIL, PERINGASSERY P.O, THODUPUZHA, IDUKKI - 685595
2. AVIRACHAN GEORGE,
PAPADIYIL, THEKKUMBAGHAM, KARIKODE, THODUPUZHA - 685584
3. SALES TAX OFFICER,
DEPARTMENT OF COMMERCIAL TAXES, THODUPUZHA, IDUKKI -
685584
4. SALES TAX OFFICER,
DEPARTMENT OF COMMERCIAL TAXES, CHALAKUDY, THRISSUR -
680307
5. THE TAHSILDAR(R.R) , NEDUMKANDAM, IDUKKI - 685583
6. DISTRICT COLLECTOR, IDUKKI, PAINAVU - 685603
7. COMMISSIONER OF LAND REVENUE, PUBLIC OFFICE BUILDING,
MUSEUM JUNCTION, THIRUVANANTHAPURAM - 695001
8. STATE OF EKRALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REVENUE, THIRUVANANTHAPURAM - 695001

R2 BY ADV. SRI.P.K.RAVISANKAR
R2 BY ADV. SRI.M.K.THANKAPPAN
R3 TO R8 BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.10.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[P.T.O]

APPENDIX

PETITIONER'S EXHIBITS

P1:-TRUE COPY OF SOLVENCY CERTIFICATE DTD 15/3/94
P2:-TRUE COPY OF POWER OF ATTORNEY DTD 16/3/94
P3:-TRUE COPY OF CERTIFICATE DTD 21/8/1999 ISSUED BY THE 3RD
RESPONDENT SALES TAX OFFICER
P4:-TRUE COPY OF REQUISITION IN FORM 24 ISSUED BY THE 3RD
RESPONDENT SALES TAX OFFICER
P5:-TRUE COPY OF LETTER DTD 31/12/1999 FROM THE 5TH RESPONDENT
TAHSILDAR TO THE 6TH RESPONDENT DISTRICT COLLECTOR
P6:TRUE COPY OF LETTER DTD 2/1/2001 FROM THE 3RD RESPONDENT TO
THE 5TH RESPONDENT
P7:-TRUE COPY OF LETTER DTD 22/2/2001 FROM THE ASSISTANT
EXCISE COMMISSIONER TO THE 6TH RESPONDENT
P8:-TRUE COPY OF LETTER DTD 17/4/2001 FROM THE 6TH RESPONDENT
TO THE 5TH RESPONDENT
P9:-TRUE COPY OF REVENUE RECOVERY NOTICE DTD 10/1/2002 ISSUED
BY THE 5TH RESPONDENT
P10:-TRUE COPY OF REVENUE RECOVERY NOTICE DTD 25/1/2002 ISSUED
BY THE 5TH RESPONDENT
P11:-TRUE COPY OF COMMON JUDGMENT DTD 24/01/2005 IN OP NO
5563/2002 AND 11471/2002
P12:-TRUE COPY OF ORDER DTD 10/3/2006 OF THE 7TH RESPONDENT
P13:-TRUE COPY OF ORDER DTD 7/7/2009 OF THE GOVERNMENT
P14:-TRUE COPY OF COMMON JUDGMENT DTD 21/5/2012 IN 11820/2007
& WPC NO 32728/2009
P15:-TRUE COPY OF THE QUERY DTD 3/1/2013 MADE BY THE
PETITIONER BEFORE THE SALES TAX OFFICER
P16:-TRUE COP OF THE REPLY DTD 10/1/2013 FROM THE SALES TAX
OFFICER, 1ST CIRCLE, THODUPUZHA
P17:-TRUE COPY OF THE REPRESENTATION DTD 10/4/2015 FROM THE
PETITIONER TO THE DISTRICT COLLECTOR

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE

PtK/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.24301 OF 2015

Dated this the 20th day of October, 2015

J U D G M E N T

The petitioner, who was served with Exts.P9 and P10 demand notices under the revenue Recovery Act for Rs.45,20,997/- challenged the said notices before the authorities under the Kerala Revenue Recovery Act. The said adjudication proceedings resulted in Ext.P13 order which directed the 6th respondent District Collector to make enquiries and find out details concerning the properties owned by respondents 1 and 2 and their surety. In Ext.P13 order, it was made clear that the authorities under the Revenue Recovery Act had to proceed first against the properties identified as that of respondents 1 and 2 and their surety, and only if there was any balance amount outstanding they should proceed against the petitioner's father. In writ petitions, that were filed challenging Ext.P13 order, Ext.P14 judgment came to be passed whereby this Court did not see any reason to interfere with Ext.P13 order but rather directed the respondents to comply with the directions in Ext.P13 order. In the present writ petition, the petitioner is aggrieved by the inaction on the part of the 6th respondent to pass orders, as directed in Ext.P13 order, notwithstanding Ext.P17 representation that is preferred by the petitioner before the 6th respondent.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and the learned Standing counsel for the 2nd respondent.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition by directing the 6th respondent, before whom in Ext.P17 representation has been preferred by the petitioner, to consider and pass orders on the same after hearing the petitioner within a period of two months from the date of receipt of a copy of this judgment. To enable the 6th respondent to do so, I direct the petitioner to produce a copy of the writ petition along with a copy of the judgment before the 6th respondent within period of two weeks from the date of receipt of a copy of this judgment. It will be open to the petitioner to rely on documents other than those produced in the writ petition to substantiate his contentions on merits before the 6th respondent.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

