

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

WP(C).No. 26029 of 2015 (C)

PETITIONER(S):

**P. ACHUTHAN, AGED 69 YEARS,
S/O K.V.P.N BALAKRISHNAN NAIR,
NOW RESIDING AT FLAT NO.7G, TOWER-I,
DD PLATINUM PLANET, PULLEPADY-THAMMANAM ROAD,
KATHRIKADOVU, ERNAKULAM.**

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
THIRUVANNATHAPURAM, KERALA-695 001.**
- 2. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, COLLECTORATE,
KAKKANAD, ERNAKULAM DISTRICT-682 030.**

BY GOVERNMENT PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE INSOLVENCY PETITION IP 3 OF 2012 FILED BY
THE PETITIONER AND PENDING BEFORE THE SUB COURT, ERNAKULAM.**

**EXHIBIT P2: THE TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE
2ND RESPONDENT DATED 13.12.2014.**

**EXHIBIT P3: THE TRUE COPY OF THE REPLY TO THE EXHIBIT P2 SHOW
CAUSE DTD.30.12.2014.**

**EXHIBIT P4: THE TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT
DATED 18-1-2015 ORDERING ARREST AND DETENTION OF THE
PETITIONER.**

**EXHIBIT P5: THE TRUE COPY OF THE JUDGMENT DATED 20.5.2015 IN WPC 4006
OF 2015.**

**EXHIBIT P6: THE TRUE COPY OF THE ORDER OF THE SUB COURT ERNAKULAM IN
IA 1504 OF 2015 IN IP 3 OF 2012.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 20th day of October, 2015

JUDGMENT

The petitioner had approached this Court aggrieved by the steps taken by the respondent to arrest him in connection with recovery proceedings initiated against him under the Kerala Revenue Recovery Act. By an interim order dated 21.08.2015, this Court had granted a stay to the petitioner against coercive steps taken by the 2nd respondent for recovery of amounts covered by Ext.P2. The said stay order continues to be in force even today. When the matter came up for orders on 02.09.2015, this Court had called for a report from the Sub Court, Ernakulam, as to the time required for passing final orders in the Insolvency Petition No.3 of 2012 pending before the said Court. By a report dated 19.09.2015, the Sub Court has informed that the time required for passing final orders in the IP would be three months from today.

Taking note of the said report of the 2nd Additional Sub Judge, I direct the 1st Additional Sub Court, Ernakulam, to consider and pass final orders in Insolvency Petition No.3 of 2012, pending before him, within three months from the date of receipt of a copy of this judgment. I also dispose the writ petition with the said direction, as also by making it clear that recovery steps, for

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recovery of defaulted amounts due from the petitioner, that are impugned in this writ petition, shall be kept in abeyance, till such time as the 1st Additional Sub Court, Ernakulam passes orders in the IP, as directed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /21.10.15

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