

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 30700 of 2008 (D)

PETITIONER(S):

**S.SUDHAKARAN PILLAI, KULANGARA PUTHEN
VEEDU, NEDUVATHUR PO., KOTTARAKKARA,
KOLLAM DISTRICT.**

**BY ADVS.SRI. K.SIJU
SRI.PRATHEESH.P
SMT.T.M.RESHMI**

RESPONDENT(S):

- 1. THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
THRISSUR, REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. SPECIAL DEPUTY THAHASILDAR (RR),
KSFE LTD., KOLLAM.**
- 3. DEPUTY DIRECTOR OF PANCHAYATH, KOLLAM.**
- 4. DILEEP KUMAR, S/O.SADASIVAN, AGED 41,
KOTTAPURATHU PUTHEN VEEDU, KIZHAKKEKKARA, PULAMON
KOTTARAKKARA VILLAGE, KOLAM.**
- 5. F.CLEMENT, PALAMOOTTHIL KIZHAKKATHIL
PATTATHANAM PO., KOLLAM.**
- 6. ANCHILA THOMAS, PUTHANAZHIKOM PURAYIDOM,
ERAVIPURAM SOUTH, KOLLAM .**
- 7. K.R.UMESH KUMAR, EXCISE GUARD,
ARYANKAVU EXCISE CHECK POST, ARYANKAVU, KOLLAM.**

*** ADDL.R8 & R9 IMPLEADED**

- 8. C.MOHANAN, S/O.CHELLAPPAN,
U.D.INVESTIGATOR, STATISTICS OFFICE,
ADOOR, RESIDING AT KOTTOOR KIZHAKKATHIL VEEDU,
MANNADI P.O.**

PJ

....2/-

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9. DHARMARAJAN, S/O.JANARDHANAN,
DEMONSTRATOR, STATISTICS OFFICE, ADOOR,
RESIDING AT CHARUVILA VEEDU, OTTOOR,
MAVINMOODU, KALLAMBALAM P.O.

ADDL.R8 & 9 ARE IMPEADED AS PER ORDER IN IA.3198/2009 DATED 3/6/09

R1-R2 BY ADV. SRI.P.V.LONACHAN
R3 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - COPY OF THE RECEIPTS OF PAYMENTS MADE TO KSF LTD. FROM 1999 TO 2007

EXT.P2 - COPY OF THE LETTER DATED 18/3/2008

EXT.P3 - TRUE COPY OF PROHIBITORY ORDER ISSUED BY THE R2 DATED 24/7/2008 IN NCL 455/97

EXT.P4 - TRUE COPY OF THE PROHIBITORY ORDER DATED 24/7/2008 IN NCL 42/98-99 (SDT/KLM/5878/06-07)

EXT.P5 - TRUE COPY OF THE SALE DEED NO.143/2000 OF KOTTARAKKARA SUB REGISTRY IN FAVOUR OF THE R4

EXT.P6 - TRUE COPY OF LETTER DATED 15/7/2008 TO THE R2

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 30700 of 2008

Dated this the 14th day of July, 2015

J U D G M E N T

The petitioner is a Guarantor of three chitties subscribed by respondents 4 to 6 from KSFE in the year 1997-98. The principal debtors have defaulted repayment. Thereupon revenue recovery proceedings have been initiated against the petitioner.

2. The petitioner as well as the principal debtors are Government servants. The case of the petitioner is that, instead of proceeding against principal debtors, the recovery proceedings initiated against the surety, is illegal. Therefore, petitioner seeks a direction to respondents 1 & 2 to effect recovery proceedings against the principal debtors before making further recovery from the petitioner.

3. The liability of the surety is co-extensive with the principal debtors. Petitioner cannot wriggle out from the liability being a Guarantor of the Chitties subscribed. The recovery initiated by the KSFE cannot said as illegal.

In that view of the matter, this writ petition is dismissed.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.