

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 27377 of 2015 (V)

PETITIONER(S):

**MANOJ N.C.,
S/O. CHANDRAN, NAMBIANTHRA (H), P.O WEST VEMBALLUR,
KODUNGALLUR TALUK, THRISSUR 680 671.**

**BY ADVS.SRI.M.H.HANIL KUMAR
SRI.M.R.DHANIL**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
INDUSTRIES(B) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, THRISSUR - 680 003.**
- 3. THE ACCOUNTANT GENERAL (AUDIT) KERALA,
THIRUVANANTHAPURAM - 695 039.**
- 4. THE DIRECTOR OF INDUSTRIES & COMMERCE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 5. DISTRICT COLLECTOR THRISSUR,
CIVIL STATION, AYYANTHOLE P.O, THRISSUR - 680 003.**
- 6. DEPUTY TAHSILDAR,
REVENUE RECOVERY, KODUNGALLUR TALUK, KODUNGALLUR P.O.,
THRISSUR DISTRICT - 680 671.**
- 7. VILLAGE OFFICER,
WEST VEMBALLUR, P.O WEST VEMBALLUR, KODUNGALLUR (VIA),
THRISSUR DISTRICT - 680 671.**

BY GOVERNMENT PLEADER SRI.RENJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 27377 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 A TRUE COPY OF THE LETTER NO A5/4351/99 DATED 16-07-2002 ISSUED BY THE SECOND RESPONDENT.

EXHIBIT P2 A TRUE COPY OF THE DEMAND NOTICE DATED 4-6-2014 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

EXHIBIT P3 A TRUE COPY OF THE JUDGMENT DATED 28-03-2012 PASSED BY THIS HONOURABLE COURT IN W.P(C) NO 19287 OF 2010.

EXHIBIT P4 A TRUE COPY OF THE ORDER G.O(RT) NO 925/13/ID DATED 12-07-2013 PASSED BY THE FIRST RESPONDENT.

EXHIBIT P5 A TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECOND RESPONDENT BEARING NO A9/5749/04.

EXHIBIT P6 A TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT DATED 25-4-2015.

EXHIBIT P7 A TRUE COPY OF THE DEMAND NOTICE NO 2014/48789/8 DATED 20-08-2014 ISSUED BY THE 6TH RESPONDENT.

EXHIBIT P8 A TRUE COPY OF THE REPRESENTATION DATED 24-03-2015 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.

EXHIBIT P9 A TRUE COPY OF THE GOVERNMENT ORDER G.O(RT) NO 620/2013/ID DATED 06-05-2013 ISSUED BY THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.27377 of 2015

.....
Dated this the 4th day of November, 2015

J U D G M E N T

The petitioner, who had availed of a margin money loan of Rs.54,144/- from the District Industries Centre, Thrissur in 1997, is aggrieved by the steps taken by the respondents under the Kerala Revenue Recovery Act for realisation of the defaulted loan amounts. It is the contention of the petitioner in the writ petition that, he has approached the 1st respondent with Ext.P8 representation seeking the benefit of a One Time Settlement Scheme and therefore recovery proceedings should be kept on hold till such time as the 1st respondent has had an opportunity to consider the request of the petitioner in Ext.P8 representation.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P8 representation preferred by the petitioner within one month from today, after hearing the petitioner. It is made

clear that, till such time as orders are passed by the 1st respondent as directed and communicated to the petitioner, the recovery steps initiated against the petitioner pursuant to Ext.P7 notice shall be kept in abeyance.

A.K.JAYASANKARAN NAMBIAR
JUDGE

