

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 27466 of 2015 (G)

PETITIONER :

**M/S. CHINTHA FINANCE, V/268A,
NEA CHIRAKKAL TEMPLE, ANNAKKARA,
REPRESENTED BY ITS MANAGING PARTNER, BABU V.K.**

**BY ADVS.SRI.N.MURALEEDHARAN NAIR
SRI.V.K.SHAMUSUDHEEN**

RESPONDENTS :

- 1. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, MINI CIVIL STATION,
IRINALAKUDA - 680 125.**
- 2. THE DEPUTY COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES,
THRISSUR - 680 004.**
- 3. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, CHAVAKAD - 680 506.**

BY GOVERNMENT PLEADER SRI. LIJU V. STEPHEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 27466 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE PENALTY ORDE DT 25/6/2015 PASSED BY R1.
- P2: COPY OF HE APPEAL FILED BY THE PETITIONER BEFORE THE R2 DT 29/7/2015.
- P3: COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE R2 DT 29/6/2015.
- P4: COPY OF THE DEMAND NOTICE UNDER SECTION 7 OF THE REVENUE RECOVERY ACT ISSUED BY R3 DT 18/8/2015.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.27466 of 2015

.....
Dated this the 11th day of September, 2015

J U D G M E N T

Against Ext.P1 penalty order under the Kerala Money Lenders Act, the petitioner has preferred Ext.P2 appeal and Ext.P3 stay petition before the 2nd respondent. Ext.P4 is the demand notice. It is the case of the petitioner that even prior to considering the stay petition, recovery steps are sought to be pursued through Ext.P4 demand notice, for recovery of the amounts confirmed by Ext.P1 penalty order.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose the writ petition with the following directions:

- i. The 2nd respondent shall consider and pass orders on Ext.P3 stay petition within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner.

ii. Coercive steps pursuant to Ext.P4 demand notice shall be kept in abeyance till orders are passed by the 2nd respondent as directed above and communicated to the petitioner.

iii. The order to be passed by the 2nd respondent shall be a reasoned one adverting to the contentions of the petitioner regarding existence of a prima facie case for a stay of recovery pending disposal of the appeal.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns