

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 28TH DAY OF JANUARY 2014/8TH MAGHA, 1935

WP(C).No. 29164 of 2014 (U)  
-----

PETITIONERS:  
-----

1. M.K. DIVAKARAN THAMPI, METHANATH HOUSE,  
VELLOORKUNNAM VILLAGE, MARKET P.O.,  
MUVATTUPUZHA, ERNAKULAM 686 673.
2. NAYINI THAMPI, METHANATH HOUSE,  
VELLOORKUNNAM VILLAGE, MARKET P.O.,  
MUVATTUPUZHA, ERNAKULAM 686 673.

BY ADVS. SRI. T. R. JAGADEESH  
SRI. V. A. VINOD

RESPONDENTS:  
-----

1. STATE OF KERALA REPRESENTED BY  
THE SECRETARY, DEPARTMENT OF REVENUE,  
SECRETARIAT, THIRUVANANTHAPURAM 695001
2. THE KERALA STATE WAREHOUSING CORPORATION,  
REPRESENTED BY ITS MANAGING DIRECTOR,  
WAREHOUSING CORPORATION ROAD,  
P.B NO 1727, KOCHI - 682 016.
3. DISTRICT COLLECTOR,  
ERNAKULAM 682 030
4. RDO, MUVATTUPUZHA, ERNAKULAM 686 673

BY GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28-01-2014,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

**PETITIONER(S) EXHIBITS**

- EXHIBIT P1 : TRUE COPY OF JUDGMENT DATED 20.06.2005 IN LARS 4, 5 & 6/2000
- EXHIBIT P2 : TRUE COPY OF JUDGMENT DATED 09.06.2006 IN LAA 1242 OF 2005  
AND CONNECTED CASES.
- EXHIBIT P3 : TRUE COPY OF REPRESENTATION DATED 01.10.2014 SUBMITTED  
BY THE PETITIONERS.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

**V. CHITAMBARESH, J**

-----  
**WP(C) NO. 29164 OF 2014**  
-----

Dated this the 28<sup>th</sup> day of January, 2015

**JUDGMENT**

Ext.P1 award as modified in Ext.P2 appeal can as well be put into execution. It is reported that Civil Appeal No. 5650/2008 is pending against Ext.P2 judgment before the Supreme Court. The remedy of the petitioners is to file an execution petition in the court of the first instance. A writ petition under Article 226 of the Constitution of the India is not the proper remedy.

The Writ Petition is dismissed without prejudice to the right of the petitioner to levy execution proceedings on the file of the court of the Subordinate Judge of Moovattupuzha.

**V. CHITAMBARESH  
JUDGE**

ncd