

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 29282 of 2015 (I)

PETITIONER:

**M/S.ANDERSON INDUSTRIES INTERNATIONAL LTD.,
REPRESENTED BY ITS DIRECTOR, C.RAJARAM,
AGED 51 YEARS, S/O.RAJA CHAKRAPANI, NO.21,
DR.C.V.RAMAN ROAD, THIRUVENI APARTMENT,
II FLOOR, ALWARPET, CHENNAI - 600 018.**

**BY ADVS.SRI.B.ASHOK SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH
SRI.RIYAL DEVASSY**

RESPONDENT(S):

- 1.THE ASSISTANT COMMISSIONER II,
COMMERCIAL TAXES, KOLLAM - 691 001.**
- 2.THE COMMISSIONER OF LAND REVENUE,
COMMISSIONERATE OF LAND REVENUE,
PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM - 695 033.**
- 3.THE DISTRICT COLLECTOR, CIVIL STATION,
KOLLAM - 691 013.**
- 4.THE TAHSILDAR(REVENUE RECOVERY),
KOLLAM - 691 008.**
- 5.MVR EXPORTS PRIVATE LIMITED,
REPRESENTED BY ITS DIRECTOR, 24 GST ROAD,
GUINDY, CHENNAI - 600 032.**

R1 TO R4 BY GOVERNMENT PLEADER SMT.K.T.LILLY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF REGISTERED LEASE DEED NO.2756 OF 1996 DATED 25.7.1996 OF KILIKOLLOOR SUB REGISTRY EXECUTED IN FAVOUR OF THE PETITIONER BY THE 5TH RESPONDENT.
- EXT. P2 : TRUE COPY OF NOTICE OF SALE OF IMMOVABLE PROPERTY IN FORM NO.16 DATED 28.1.2015 ISSUED BY THE 4TH RESPONDENT.
- EXT. P3 : TRUE COPY OF OBJECTION DATED 24.2.2015 FILED BY PETITIONER BEFORE 3RD RESPONDENT.
- EXT. P4 : TRUE COPY OF ORDER DATED 2.3.2015 IN WP(C)NO.6450 OF 2015 OF THIS HON'BLE COURT.
- EXT. P5 : TRUE COPY OF JUDGMENT DATED 20.3.2015 IN WP(C)NO.6450 OF 2015 OF THIS HON'BLE COURT.
- EXT. P6 : TRUE COPY OF NOTICE OF SALE OF IMMOVABLE PROPERTY IN FORM NO.16 DATED 26.3.2015 ISSUED BY THE 4TH RESPONDENT.
- EXT. P7 : TRUE COPY OF JUDGMENT DATED 11.6.2015 IN WP(C)NO.15012 OF 2015 OF THIS HON'BLE COURT.
- EXT. P8 : TRUE COPY OF PROCEEDINGS NO.R8.17178/12 DATED 29.6.2015 ISSUED BY THE 3RD RESPONDENT TO PETITIONER.
- EXT. P9 : TRUE COPY OF REVISION PETITION DATED 5.8.2015 FILED BY PETITIONER BEFORE 2ND RESPONDENT (WITHOUT ANNEXURES)
- EXT. P10 : TRUE COPY OF NOTICE NO.L.R.B4.33874/15 DATED 24.8.2015 ISSUED BY 2ND RESPONDENT TO PETITIONER.
- EXT. P11 : TRUE COPY OF AFFIDAVIT AND PETITION FOR STAY DATED 5.8.2015 FILED BY PETITIONER BEFORE 2ND RESPONDENT.
- EXT. P12 : TRUE COPY OF NOTICE OF SALE OF IMMOVABLE PROPERTY IN FORM NO.16 DATED 21.8.2015 ISSUED BY THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.29282 of 2015

.....
Dated this the 28th day of September, 2015

J U D G M E N T

Against Ext.P8 order of the District Collector, the petitioner has preferred Ext.P9 revision petition together with Ext.P11 stay petition before the 2nd respondent. The grievance of the petitioner is that even before considering the revision petition or the stay petition, steps are afoot to sell the property, over which the petitioner has leasehold rights, pursuant to Ext.P12 sale notice.

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.P9 revision petition within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.
- ii. Further proceedings pursuant to Ext.P12 sale notice shall be kept in abeyance till such

time as orders are passed by the 2nd respondent as directed and communicated to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

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