

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 31809 of 2014 (A)

PETITIONER :

**BASTIN GILBERT, AGED 28 YEARS,
S/O GILBERT P., SUKRITHAM, LEKSHMINADA
KOLLAM**

BY ADV. SRI.SYAM J SAM

RESPONDENTS :

**1. STATE BANK OF TRAVANCORE,
CIVIL SATATION RANCH, KOLLAM DISTRICT
REPRESENTED BY ITS CHIEF MANAGER- 691001**

**2. THE DEPUTY TAHASILDAR (RR),
KOLLAM DISTRICT - 691001**

**R1 BY SRI.R.S.KALKURA, SC, SBT
R2 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 31809 of 2014 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE PLAINT IN OS NO 521/2012 OF THE LEARNED
SUBORDINATE JUDGE, KOLLAM.**

**EXHIBIT P2: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 7 OF THE
REVENUE RECOVERY ACT**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.31809 OF 2014 (A)

Dated this the 4th day of March, 2015

J U D G M E N T

The petitioner, who had approached this Court challenging Ext.P2 notice issued under the Kerala Revenue Recovery Act, had contended that the respondent bank had already approached the civil court through a suit filed against him for recovery of the amounts defaulted, and in that backdrop, it was not open to the respondent to simultaneoulsy invoke the proceedings under the Revenue recovery Act for the recovery of the dues from him.

When the matter came up for admission, this Court queried the petitioner as to why he could not approach the civil court, with an appropriate interlocutory application, seeking the reliefs which he had sought for in the writ petition. Learned counsel for the petitioner then pointed out that he had, in fact, filed I.A.Nos.2590/2014 and 2593/2014 in O.S.No.521/2012, which were pending before the Additional Sub Court, Kollam, and the said interlocutory applications had not been taken up for consideration by that court. Taking note of

the said submission of counsel for the petitioner, I had called for a report from the Sub Judge, Kollam, as to the status of the I.A.'s filed in the suit referred to above. By a report dated 19.2.2015, the Additional Sub Judge, Kollam, has stated that the I.A.'s in question were heard on 18.2.2015, and disposed on 19.2.2015. Taking note of these facts, I dismiss the writ petition by reserving the right of the petitioner to take appropriate steps against the orders, which are stated to have been passed against him by the Additional Sub Judge, Kollam, in the I.A.'s referred to above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp