

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 35038 of 2011 (D)

PETITIONER:

LEELA, W/O SANKARANARAYANAN,
PANAKKAPARAMBIL, VATANAPPILLY
VILLAGE, CHAVAKKAD.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS:

1. THE TAHSILDAR (RR), THRISSUR - 680 001
2. DEPUTY COMMISSIONER OF EXCISE, THRISSUR-680 001.
3. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM - 695 001.
4. STATE OF KERALA REP. BY THE PRINCIPAL SECRETARY
TO GOVERNMENT, TAXES DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SRI.BOBBOY MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-12-2015 ALONG WITH WPC. 30062/2012 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 35038/2011

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF THE COMMON JUDGMENT IN CIVIL APPEAL NO.7847/2009 OF THE SUPREME COURT

EXT. P2 TRUE COPY OF THE ORDER DATED 9.4.2010 OF THE SECOND RESPONDENT

EXT. P3 TRUE COPY OF THE NOTICE DATED 12.7.2011 ISSUED BY THE TAHSILDAR (RR), THRISSUR

EXT. P4 TRUE COPY OF THE NOTICE OF ATTACHMENT DATED 12.7.2011 OF THE TAHSILDAR (RR), THRISSUR

EXT. P5 TRUE COPY OF THE THREE SALE NOTICES DATED 12.7.2011 ISSUED BY THE TAHSILDAR (RR), THRISSUR

EXT. P6 TRUE COPY OF THE REPLY DATED 25.7.2011 SUBMITTED TO THE TAHSILDAR (RR), THRISSUR

EXT. P7 TRUE COPY OF THE AUCTION NOTICE DATED 12.8.2011 ISSUED BY THE TAHSILDAR (RR) THRISSUR

EXT. P8 TRUE COPY OF THE SALE NOTICE DATED 28.11.2011 IN RESPECT OF THE PROPERTIES COMPRISED IN RE-SURVEY NO.54/21

EXT. P9 TRUE COPY OF THE SALE NOTICE DATED 28.11.2011 IN RESPECT OF THE PROPERTIES COMPRISED IN RESURVEY NO.54/19 AND 54/24

EXT. P10 TRUE COPY OF THE NOTICE OF SALE DATED NIL ISSUED BY THE TAHSILDAR (RR) THRISSUR

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)Nos.35038 of 2011 D,
30062 of 2012 G, 10890 of 2014 I
and 33375 of 2014 V

Dated this the 16th day of December, 2015

JUDGMENT

In the light of the judgment rendered by this Court on 10.12.2015 in W.P.(C)No.13571/2010 and batch, the sale notices in this batch of writ petitions could not be sustained.

2. In the facts and circumstances, apart from setting aside the sale notices, this Court leaves it open for the respondent authorities to compute the petitioners' liabilities and issue fresh notices for recovery.

3. The learned Senior Counsel for the petitioners has submitted that if fresh notices are served after computing the liabilities in terms of the judgment, the petitioners are willing to pay the demanded amounts.

Having recorded the submission of the learned Senior Counsel, this Court closes the writ petitions subject to the above observation.

Dama Seshadri Naidu, Judge

tkv