

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 34258 of 2015 (F)

PETITIONER:

**A.HAKKIM, AGED 53 YEARS,
S/O.AHAMMED KUNJU, KALATHIVILA PUTHEN VEEDU,
VENGARA, THODIYOOR NORTH POST, KARUNAGAPPALLY,
KOLLAM.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
INDUSTRIAL DEPARTMENT,
SECRETARIAT, THIRUVANATHAPURAM.**
- 2. KERALA KHADI & VILLAGE INDUSTRIES BOARD,
VANCHIYOOR, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY- 695 001**
- 3. THAHASILDHAR,
KARUNAGAPPALLY TALUK, KARUNAGAPPALLY,
KOLLAM DISTRICT, PIN- 691 001**
- 4. VILLAGE OFFICER,
KALLELIBHAGAM VILLAGE, KARUNAGAPPLY TALUK,
KOLLAM DISTRICT-691 001**

**R1,R3 & R4 BY GOVERNMENT PLEADER SMT. LILLY.K.T.
R2 BY SRI.TOM K.THOMAS, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE REQUISITION SENT BY THE 2ND RESPONDENT DTD 10/6/2015
- P2:- TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE REVENUE AUTHORITIES.
- P3:- TRUE COPY OF THE DEMAND NOTICE U/S 34 DEMAND PRIOR TO ATTACHMENT DTD 12/6/2015
- P4:- TRUE COPY OF THE JUDGMENT IN WPC NO.18917/2015 DTD 24/6/2015
- P5:- TRUE COPY OF THE TREATMENT SUMMARIES OF THE PETITIONER'S FATHER AT LAKESHORE HOSPITAL, KOCHI
- P6:- TRUE COPY OF THE REGISTRATION CARD OF THE PETITIONER'S MOTHER AT REGIONAL CANCER CENTRE, THIRUVANANTHAPURAM.
- P7:- TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DTD 21/2/2014
- P8:- TRUE COPIY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DTD 8/12/2011
- P9:- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DTD 29/9/2015 ALONG WITH THE STATEMENT GIVEN FROM THE OFFICE OF THE 2ND RESPONDENT
- P10:- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT
- P11:- TRUE COPY OF THE LETTER ISSUED BY THE IST RESPONDENT DTD 27/10/2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.34258 of 2015

Dated this the 13th day of November 2015

JUDGMENT

The petitioner who is faced with recovery proceedings that were initiated at the instance of the 2nd respondent, seeks a direction to the 2nd respondent Board, to re-consider Ext.P10 representation preferred by the petitioner before the Secretary of the 2nd respondent. It is the specific case of the petitioner that, while the Secretary of the 2nd respondent Board had by Ext.P9 order, rejected the prayers made by the petitioner in Ext.P10 representation, he had not considered the fact that by Exts.P7 and P8 orders, persons similarly situated as the petitioner were given a concession, by way of waiver of interest, in respect of the loan amounts availed by them. The petitioner seeks a similar treatment to be extended to him and it is for the said reason that he prays for a direction to the 2nd respondent Board to consider the matter.

2. I have heard the learned counsel for the petitioner as also Sri.Tom K. Thomas, the learned standing counsel for the respondents.

3. On a consideration of the facts and circumstances of the

case as also the submissions made across the Bar, and finding that in Ext.P9 order that was passed by the Secretary of the 2nd respondent Board the specific plea of the petitioner, with regard to the concession of interest waiver having been extended to other similarly placed, was not considered by the Secretary of the 2nd respondent Board, I quash Ext.P9 order and direct the 2nd respondent Board to consider Ext.P10 representation preferred by the petitioner in the light of Exts.P7 and P8 orders that were passed in respect of other people stated to be similarly placed as the petitioner. The 2nd respondent Board shall pass orders as directed within a period of one month from the date of receipt of a copy of this judgment. Coercive steps for recovery of the amounts from the petitioner pursuant to Exts.P2 and P3 notices shall be kept in abeyance, till such time as the 2nd respondent passes orders as directed and communicates the same to the petitioner.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/