

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 34993 of 2015 (Y)

PETITIONER :

**MATHEW M. VAZHATHARA,
VAZHATHARA HOUSE, UDAYAMPEROOR,
ERNAKULAM -682 307.**

**BY ADVS.SRI.V.DEVANANDA NARASIMHAM
SRI.P.H.RIYAS**

RESPONDENT(S):

- 1. THE DEBT RECOVERY TRIBUNAL,
(KERALA & LAKSHADWEEP), 8TH FLOOR, K.S.H.B BUILDING,
COCHIN - 682 036.**
- 2. THE RECOVERY OFFICER,
THE DEBT RECOVERY TRIBUNAL, (KERALA & LAKSHADWEEP),
8TH FLOOR, K.S.H.B BUILDING, COCHIN - 682 036.**
- 3. STATE BANK OF TRAVANCORE,
ASSET RECOVERY MANAGEMENT BRANCH, SBT BHAVAN,
ERNAKULAM- 682 036,
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER.**
- 4. TOMSON SPECIALITY PACKAGING & EXPORTS (INDIA) LTD.,
XVII/1661, P.T.JACOB ROAD, 'SANTHOME',
THOPPUMPADY, COCHIN -682 005
REPRESENTED BY N.T.FRANCIS ITS MANAGING DIRECTOR.**
- 5. N.T.ANDREWS, DIRECTOR,
CC 16/99, NEDIAPARAMPIL HOUSE, A.K.XAVIER ROAD,
THOPPUMPADY P.O., COCHIN - 682 005
POWER OF ATTORNEY HOLDER OF MR.N.T.FRANCIS,
MANAGING DIRECTOR.**
- 6. THE COMMERCIAL TAX OFFICER, II
COMMERCIAL TAXES COMPLEX, MATTANCHERRY,
COCHIN -682 002.**
- 7. THE DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, COCHIN 682 001.**

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8. THE SUB REGISTRAR,
DEPARTMENT OF REGISTRATION, MATTANCHERRY,
COCHIN - 682 002.

R3 BY SRI.K.JAYESH MOHANKUMAR,SC, SBT
R6 TO R8 BY GOVERNMENT PLEADER SRI.R.RANJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF NOTICE OF DEMAND MARKING PETITIONER AS 8TH CERTIFICATE DEBTOR DATED 19/11/2014 ISSUED BY 2ND RESPONDENT TO PETITIONER
- P2: TRUE COPY OF ENCUMBRANCE CERTIFICATE DATED 01/04/2015 ISSUED BY 8TH RESPONDENT TO PETITIONER IN RESPECT OF 12 CENTS OF LAND IN SY NO.1154/6 OF THOPPUMPADY VILLAGE
- P3: TRUE COPY OF LETTER DATED 23/3/2015 ISSUED BY 6TH RESPONDENT TO 4TH RESPONDENT STATING TAX ARREARS.
- P4: TRUE COPY OF LETTER DATED 25/3/15 FILED BY 4TH RESPONDENT BEFORE 6TH RESPONDENT
- P5: TRUE COPY OF REGISTERED SALE AGREEMENT DATED 12/5/15 EXECUTED FOR SALE OF 12 CENTS OF LAND AND BUILDING AVAILABLE THEREIN TO PETITIONER
- P6: TRUE COPY OF PAY ORDER OF RS.80 LACKS DATED 17/7/15 ISSUED BY PEOPLE'S URBAN CO-OP BANK IN FAVOUR OF 4TH RESPONDENT
- P7: TRUE COPY OF SALE DEED DULY SIGNED BY 5TH RESPONDENT PRODUCED BEFORE 8TH RESPONDENT TO REGISTER IT IN FAVOUR OF PETITIONER IN RESPECT OF 12 CENTS OF LAND IN SY.NO.1154/6 IN THOPPUMPADY VILLAGE FOR A SALE CONSIDERATION OF RS.96 LACKS AS PER EXT.P5 REGISTERED AGREEMENT
- P8: TRUE COPY OF COMPROMISE PROPOSAL TO SETTLE DUES OF 4TH RESPONDENT ACCEPTED BY 3RD RESPONDENT AS PER ITS LETTER DATED 21/7/15.
- P9: TRUE COPY OF COVERING LETTER DTD. 24/7/15 SENT ALONG WITH EXT.P6 PAY ORDER BY THE PETITIONER TO 3RD RESPONDENT
- P10: TRUE COPY OF LETTER DATED 25/7/15 OF 3RD RESPONDENT REFUSING TO ACCEPT EXT.P6 PAY ORDER AND RETURNING IT TO PETITIONER
- P11: TRUE COPY OF INTERLOCUTORY APPLICATION NO.1973/2015 IN O.A 630/1998 FILED BY PETITIONER BEFORE 1ST RESPONDENT TRIBUNAL
- P12: TRUE COPY OF REGISTERED LETTER REQUESTING TO ACCEPT EXT.P6 PAY ORDER AND SETTLE THE DUES UNDER OTS SENT BY PETITIONER TO 3RD RESPONDENT BANK BY REGISTERED POST ON 27/8/15
- P13: TRUE COPY OF LETTER DATED 31/8/15 SENT BY 3RD RESPONDENT TO PETITIONER REFUSING TO ACCEPT EXT.P6 PAY ORDER
- P14: TRUE COPY OF JUDGMENT DATED 22/9/15 IN WPC NO.28479/2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

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P.A.TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.34993 of 2015

Dated this the 19th day of November 2015

JUDGMENT

Counsel for the petitioner seeks permission to withdraw the writ petition. Permission granted, and the writ petition is dismissed as withdrawn.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE

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