

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937**

**WP(C).No. 36282 of 2015 (I)**  
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**PETITIONER(S):**  
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- 1. PRANAVAM TECHNOLOGIES PRIVATE LIMITED,  
1/5059Z, RATNAM SQUARE, NADAKKAVU POST,  
KOZHIKODE DISTRICT, REPRESENTED BY MANAGING DIRECTOR,  
BIJITH.M.**
- 2. BIJITH.M., AGED 45 YEARS,  
S/O.M.DHARMARAJAN, MANAGING DIRECTOR,  
PRANAVAM TECHNOLOGIES PRIVATE LIMITED, 1/5059Z,  
RATNAM SQUARE, NADAKKAVU POST, KOZHIKODE DISTRICT.**
- 3. AMBILI, AGED 37 YEARS,  
W/O.BIJITH.M, DIRECTOR,  
PRANAVAM TECHNOLOGIES PRIVATE LIMITED,  
RESIDING AT 1/4751, MAVILADATH HOUSE, BILATHIKULAM ROAD,  
NADAKKAVU POST, KOZHIKODE DISTRICT. 1/5059Z,  
RATNAM SQUARE, NADAKKAVU POST, KOZHIKODE DISTRICT.**

**BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE )  
ADVS.SRI.ANEESH JOSEPH  
SMT.DENNIS VARGHESE**

**RESPONDENT(S) :**  
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- 1. DISTRICT COLLECTOR,  
KOZHIKODE- 670 001**
- 2. SPECIAL DEPUTY TAHSILDAR,  
BANK LOAN ARREARS COLLECTION REVENUE RECOVERY,  
KOZHIKODE - 670 001.**
- 3. CANARA BANK, WEST HILL BRANCH, KANNUR ROAD, KOZHIKODE,  
KOZHIKODE DISTRICT,  
STATE OF KERALA REPRESENTED BY CHIEF MANAGER AND  
POWER OF ATTORNEY HOLDER K.V.SIVAKUMAR - 673 011.**

**R1 & R2 BY GOVERNMENT PLEADER SMT.LILLY.K.T  
R3 BY ADV. SRI.PAULY MATHEW MURICKEN, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS :**

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- EXT.P-1:       PHOTOSTAT COPY OF THE NOTICE ISSUED BY THE DEBT  
RECOVERY TRIBUNAL.**
- EXT.P-2:       PHOTOSTAT COPY OF THE WRITTEN STATEMENT FILED BY  
THE PETITIONERS ON 13.10.2015.**
- EXT.P-3:       PHOTOSTAT COPY OF THE NOTICE BEARING COLLECTOR  
FILE NO.2105/30725/11 AND TALUK FILE NO.2105/2231/11/400  
ISSUED BY 2ND RESPONDENT.**
- EXT.P-4:       THE PHOTOSTAT COPY OF THE NOTICE BEARING COLLECTOR  
FILE NO.2105/30725/11 AND TALUK FILE NO.2015/2231/11/400  
ISSUED BY 2ND RESPONDENT.**
- EXT.P-5:       PHOTOSTAT COPY OF THE REPRESENTATION DATED 27.10.2015  
FILED BY THE 1ST PETITIONER.**
- EXT.P-6:       PHOTOSTAT COPY OF THE REPRESENTATION DATED 27.10.2015  
FILED BY THE 2ND PETITIONER.**
- EXT.P-7:       PHOTOSTAT COPY OF THE REPRESENTATION DATED 27.10.2015  
FILED BY THE 3RD PETITIONER.**

**RESPONDENT(S)' EXHIBITS :**

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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C) No.36282 of 2015**  
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Dated this the 17<sup>th</sup> day of December 2015

**JUDGMENT**

The petitioners, who are a private limited company and its directors, are aggrieved by the recovery steps that have been initiated against them under the provisions of the Kerala Revenue Recovery Act, for realisation of defaulted loan amounts that they had availed from the 3<sup>rd</sup> respondent. In the writ petition, it is the case of the petitioner that the 3<sup>rd</sup> respondent bank had already filed an OA before the Debts Recovery Tribunal, seeking recovery of the very same amounts and the simultaneous initiation of the proceedings under the revenue recovery Act was therefore, illegal. In connection with the said grievance they have preferred Exts.P5, P6 and P7 representations before the 2<sup>nd</sup> respondent and the limited prayer at this stage is for a direction to the 2<sup>nd</sup> respondent to consider and pass orders on Exts.P5, P6 and P7 representations, expeditiously after hearing the petitioners.

2. I have heard the learned counsel for the petitioners, the learned Government Pleader for the 1<sup>st</sup> and 2<sup>nd</sup> respondents and Sri.Pauly Mathew Muricken for the 3<sup>rd</sup> respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I find that the interests of justice will be served by directing the 1<sup>st</sup> respondent to consider and pass orders on Exts.P5, P6 and P7 representations preferred by the petitioners, within a period of one month from the date of receipt of a copy of this judgment. The respondents shall ensure that before passing orders, the petitioners as well as the 3<sup>rd</sup> respondent bank are heard in the matter. The interim order against the recovery proceedings, that was granted by this court on 01.12.2015, shall continue to be in force, till such time as orders are passed by the 1<sup>st</sup> respondent as directed and communicated to the petitioners. The petitioners shall produce a copy of the writ petition, alongh with a copy of this judgment, before the 1<sup>st</sup> respondent for further action.

The writ petition is disposed as above.

Sd/-  
**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

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