

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. 36936 of 2015 (N)

PETITIONER:

R.BHUVANACHANDRAN, AGED 56, S/O.RAMAN NADAR,
VALANVILA, VAZHITHALAKKAL VEEDU, MUKKOLA,
MULLOOR P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.S.V.RAJAN
SRI.R.SUDHISH
SMT.M.MANJU
ADV.SRI.R.SANTHOSH
SRI.C.P.JAGADESH
SRI.JACOB.T.KOSHY

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE CHIEF
SECRETARY TO GOVERNMENT,
THIRUVANANTHAPURAM, KERALA STATE.
2. THE COMMISSIONER OF EXCISE, STATE OF KERALA,
THIRUVANANTHAPURAM.
3. THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
NEYATTINKARA, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM.
4. THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
5. THE SECRETARY TO GOVERNMENT, (REVENUE DEPARTMENT),
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.
6. THE COMMISSIONER OF COMMERCIAL TAXES,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
7. THE COMMERCIAL TAX OFFICER, NEYYATTINKARA,
NEYATTINKARA P.O., THIRUVANANTHAPURAM.
8. THE TAHSILDAR(REVENUE RECOVERY),
NEYATTINKARA TALUK, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM.
9. THE ACCOUNTANT GENERAL, KERALA STATE,
OFFICE OF THE ACCOUNTANT GENERAL,
STATUE, THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 36936 of 2015 (N)

PETITIONER'S EXHIBITS:

EXT.P1: THE TRUE COPY OF THE JUDGMENT DATED 8.9.2015 OF THE HONOURABLE HIGH COURT OF KERALA IN O.P.NO.7328/1997.

EXT.P2: THE TRUE COPY OF THE JUDGMENT DATED 31.1.2006 OF THE HONOURABLE HIGH COURT OF KERALA IN W.A.NO.150/2006.

EXT.P3: THE TRUE COPY OF THE JUDGMENT DATED 29.10.2014 OF THE HONOURABLE SUPREME COURT OF INDIA IN CIVIL APPEAL NO.3308/2007.

EXT.P4: THE TRUE COPY OF THE REPRESENTATION DATED 8.12.2014 SUBMITTED BY THE PETITIONER TO THE RESPONDENT NO.2.

EXT.P5: THE TRUE COPY OF THE LETTER UNDER REF.NO.A2-2173/15 DATED 20.3.2015 ISSUED BY THE PUBLIC INFORMATION OFFICER AND TAHASILDAR (R.R.), NEYYATTINKARA.

EXT.P6: THE TRUE COPY OF THE ORDER (REVISED UNDER REF.NO. 1142239/95-96 DATED 25.11.2005 ISSUED BY THE RESPONDENT NO.8.

EXT.P7: THE TRUE COPY OF THE ORDER DATED 4.2.2015 OF THE HONOURABLE HIGH COURT OF KERALA IN WPC NO.3472/2015.

EXT.P8: THE TRUE COPY OF THE PETITIONER'S REPRESENTATION DATED 6.5.2015 SENT TO THE RESPONDENTS 1 TO 6.

EXT.P9: THE TRUE COPY OF THE ORDER DATED 5.10.2015 OF THE HONOURABLE HIGH COURT OF KERALA IN WP(C)NO.3472/2015.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.36936 of 2015 N

Dated this the 16th day of December, 2015

JUDGMENT

The petitioner, who had the arrack vending licence for the year 1995-96, owed certain dues to the Government. After a few rounds of litigation, the petitioner has claimed that he does not owe any further amounts and that his property earlier taken over by the Government should be re-conveyed.

2. The learned Government Pleader, on the other hand, has submitted that the petitioner still owes money to a tune of more than Rupees Five lakhs.

3. In reply, the learned counsel for the petitioner has contended that the petitioner has submitted Exhibit P8 representation to the first respondent as well as the other authorities concerned, setting out in detail in what manner

the dues have to be adjusted and how the property has to be re-conveyed. In that context, he has urged this Court to dispose of the writ petition with a direction to the first respondent to consider the petitioner's Exhibit P8 representation in accordance with law.

3. The learned Government Pleader, on his part, has submitted that the first respondent has no objection to consider the petitioner's Exhibit P8 representation expeditiously.

In the facts and circumstances, having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider the petitioner's Exhibit P8 representation in accordance with law, after affording an opportunity of hearing to the petitioner, and pass appropriate orders

thereon, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

tkv