

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMACHANDRA MENON

SATURDAY, THE 30TH JANUARY 2010 / 10TH MAGHA 1931

WP(C).No. 16554 of 2009(L)

PETITIONER:

N.S.VASUDEVAN PILLAI, AGED 65 YEARS,
N.S.BHAVAN, PANGAPPARA VILLAGE,
THIRUVANANTHAPURAM TALUK & DISTRICT.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

1. THE KERALA STATE FINANCIAL ENTERPRISE LTD., REPRESENTED BY THE BRANCH MANAGER, SREEKARIYAM BRANCH, THIRUVANANTHAPURAM.
2. THE SPECIAL DEPUTY TAHSILDAR (R.R.), K.S.F.E.LTD., STATUE, THIRUVANANTHAPURAM.
3. THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT, GOVT.OF KERALA, THIRUVANANTHAPURAM.

ADV. SRI.M.K.CHANDRAMOHAN DAS, SC, KSFE, LTD FOR R1
GOVT. PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/01/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE DEMAND NOTICE DTD.10.12.2008

EXT.P2: COPY OF THE NOTICE ISSUED TO THE WIFE OF THE PETITIONER

EXT.P3: COPY OF THE REVENUE RECOVERY NOTICE

EXT.P4: COPY OF THE LETTERS ISSUED BY THE HON'BLE MINISTER FOR REVENUE

EXT.P5: COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT

EXT.P6: COPY OF THE ORDER DTD.12.5.2009

EXT.P7: COPY OF THE REVENUE RECOVERY PROCEEDINGS INITIATED BY THE 2ND RESPONDENT

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.A TO JUDGE

P.R.RAMACHANDRA MENON, J

W.P(C) No.16554 of 2009-L

Dated this the 30th day of January, 2010.

JUDGMENT

The grievance projected in the Writ Petition is that the liability to the first respondent has been permitted to be cleared by way of instalments as ordered by the third respondent vide Ext.P6 and that the said condition is being satisfied without fail. The grievance is that it is without any regard to the said factual position, that coercive steps are being pursued by the second respondent as borne by Ext.P7, which is sought to be intercepted in this Writ Petition.

2. Heard the learned standing counsel appearing for the first respondent, who submits on instructions, that there is absolutely no objection in allowing the main prayer; ie, prayer No.3 by enabling the defaulter to clear the entire liability by way of instalments granted vide Ext.P6.

3. In the above facts and circumstances, it is made clear that the liability forming the subject matter of this Writ Petition is to be cleared in the manner as specified in Ext.P6 passed by the third

respondent without fail. If any default is committed in this regard, it will be open to the concerned respondents to proceed against the petitioner in accordance with law. However, taking note of the fact that the date stipulated in Ext.P6 is already over and also taking note of the submission made by the learned counsel appearing on either side, the monthly instalments will stand rescheduled whereby the first one shall be effected on or before the 15th of February 2010; to be followed by similar instalments to be effected on or before the 15th of the succeeding months. Subject to the above, all further recovery proceedings pursuant to Ext.P7 shall stand stayed.

The Writ Petition is disposed of.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//True Copy//

P.A to Judge

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