

Vinayaka Moorthy Vs. State of Kerala and Others

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Court : Kerala

Decided On : Dec-19-2012

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Vinayaka Moorthy

Respondent : State of Kerala and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ANTONY DOMINIC WEDNESDAY, THE 19TH DAY OF DECEMBER 2012 28TH AGRAHAYANA 193 WP(C).No. 11071 of 2010 (H) ----- PETITIONER: ----- VINAYAKA MOORTHY, S/O.SELVARAJ MOORTHY,AGED 4 YEARS, HOUSE NO.IX/3297 MOORTHY TEA STALL, MUNNAR, IDUKKI DISTRICT. BY ADVS.SRI.N.M.VARGHESE SRI.ROY THOMAS RESPONDENTS: ----- 1. STATE OF KERALA TO BE REPRESENTED BY SECRETARY, REVENUE DEPARTMENT, SECRETARIAT THIRUVANANTHAPURAM.

2. THE STATE BANK OF TRAVANCORE, REPRESENTED BY ITS MANAGER, MUNNAR BRANCH, MUNNAR.

3. DEPUTY TAHSILDAR (RR) TALUK OFFICE,DEVIKULAM. R1 & R3 BY SENIOR GOVERNMENT PLEADER SMT.P.A.REZIYA R-2 BY ADV. SRI.SATHISH NINAN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR

ADMISSION ON 19-12-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VK WP(C).No. 11071 of 2010 (H) -----
APPENDIX ----- PETITIONER'S EXHIBITS ----- EXT.P. COPY OF DEATH CERTIFICATE OF THE FATHER OF THE PETITIONER DATED 19 10.2005 ISSUED FROM THE REGISTRAR OF BIRTHS AND DEATHS OF THE MUNNAR GRAMA PANCHAYAT. EXT.P2. COPY OF NEWS ITEM PERTAINING TO THE NATURAL CALAMITY PUBLISHED IN THE MALAYALA MANORAMA DAILY DATED 27 7.2005. EXT.P3. COPY OF LAWYER NOTICE DATED 6 3.2009 ISSUED BY THE ADVOCATE OF THE 2ND RESPONDENT. EXT.P4. COPY OF RECEIPT DATED 12 3.2009 ISSUED BY THE 2ND RESPONDENT. EXT.P5. COPY OF NOTICE NO.K3-2107/2010 DATED 8 3.2010 ISSUED BY THE 3RD RESPONDENT IN THE NAME OF THE PETITIONER. EXT.P6. COPY OF NOTICE NO.K3-2107/2010 DATED 8 3.2010 ISSUED BY THE 3RD RESPONDENT IN FORM NO.1. EXT.P7. COPY OF NOTICE DATED 2 3.2010 ISSUED BY THE 2ND RESPONDENT BANK IN THE NAME OF THE PETITIONER. RESPONDENT'S EXHOBITS: NIL ----- / TRUE COPY / P.A. TO JUDGE VK ANTONY DOMINIC, J -----
W.P.(C).11071/2010 Dated this the 19th day of December, 2012 JUDGMENT Revenue recovery proceedings initiated at the instance of the respondent Bank was under challenge in this writ petition. This Court by interim order dated 30.3.2010, directed that status quo be maintained on the petitioner remitting Rs.20,000/-. Although this order was not complied with, various payments were made subsequently.

2. When the matter was taken up, learned counsel for the petitioner submitted that the Bank may be directed to issue a Statement of accounts indicating the liability so that the balance liability could be settled by the petitioner within a reasonable time.

3. In the light of the request now made and also having regard to the remittance already made W.P.(C).11071/10 2 by the petitioner, I direct that within two weeks of production of a copy of this judgment, 2nd respondent will issue to the petitioner a Statement of accounts indicating the exact liability that is due from him. Once the Statement of accounts is so given, petitioner shall pay the entire amount due to

the Bank in two monthly instalments, which shall be paid without any default. Writ petition is disposed of as above. Sd/- ANTONY DOMINIC, JUDGE mrca /true copy/ sd/- P.A. To Judge

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