

M.P.Cheriyakoya Vs. the Collector Cum Development Officer

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Court : Kerala

Decided On : Feb-05-2014

Judge : Hon'Ble the Chief Justice Dr. Manjula Chellur

Appellant : M.P.Cheriyakoya

Respondent : The Collector Cum Development Officer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE DR. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE WEDNESDAY, THE 5TH DAY OF FEBRUARY 2014 16TH MAGHA, 1935 WP(C).No. 35599 of 2010 (S)
----- PETITIONER(S): ----- M.P.CHERIYAKOYA, S/O.SULAIMAN HAJI, AGED 75 YEARS, MELAPURA HOUSE, KAVARATTI LAKSHADWEEP. BY ADVS.SRI.JOBY JACOB PULICKEKUDY SRI.ANIL GEORGE SRI.K.S.SUMEESH RESPONDENT(S): ----- 1. THE COLLECTOR CUM DEVELOPMENT COMMISSIONER, UT OF LAKSHADWEEP, KAVARATTI LAKSHADWEEP.

2. THE ADMINISTRATOR, UT OF LAKSHADWEEP, KAVARATTI, LAKSHADWEEP.

3. THE LAKSHADWEEP KHADI AND VILLAGE INDUSTRIES BOARD, KAVARATTI, LAKSHADWEEP. R1 & 2 BY ADV.

SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON0502-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 35599 of 2010 APPENDIX PETITIONER's EXHIBITS: EXHIBIT P1: COPY OF AUDIT REPORT DATED183.2010. EXHIBIT P2: COPY OF LETTER DATED135.2008. EXHIBIT P3: COPY OF LETTER DATED68.2009. EXHIBIT P4: COPY OF REPRESENTATION DATED1711.2009. RESPONDENTS' EXHIBITS: EXHIBIT R1(a): COPY OF LETTER DATED303.2002. /TRUE COPY/ PS TO JUDGE MANJULA CHELLUR, C.J & A.M.SHAFFIQUE, J.

----- W.P(C).No. 35599 of 2010
----- Dated this the 5th February, 2014

JUDGMENT

Shaffique, J.

This public interest litigation is filed seeking a direction to the first respondent to take speedy and effective steps to recover the amounts covered by Exhibit P1 audit report.

2. The averments in the Writ Petition would disclose that the third respondent Board constituted under the Lakshadweep Khadi and Village Industries Board Regulation Act, 1990 has disbursed various loans for starting village industries to the locals of Lakshadweep. According to the petitioner, he was the Chairman of the third respondent Board for quite some time and during the relevant time, steps were taken for recovering the amount. It is contended that he had obtained information as per Exhibit P1 audit report which indicates that there are 135 defaulters, who are beneficiaries of the Board and the total outstanding will come to 2,25,88,767/-. According to him, out of the aforesaid beneficiaries, several of them owe more than 1.5 lakhs and there WP(C).35599/10 2 are 20 major defaulters. The complaint is that no action was taken by the Board for initiating recovery proceedings.

2. Counter affidavit is filed by respondents 1 and 2 inter alia contending that action to recover the dues as per law is being made and directions are issued to the Sub

Divisional Officers/Deputy Collectors to speed up the recovery proceedings. It is also contended that a letter has been issued on 30.3.2002 to the defaulters including the persons named in the Writ Petition, who are defaulters, in terms of Exhibit R1(a) and recovery had been effected for more than 20 lakhs.

3. Learned counsel for the second respondent Administrator also submits that recovery proceedings are still going on and there is no fault on the part of the Board as well. It is further indicated that though the persons named as chronic defaulters in the Writ Petition had sought for waiver of the loan amounts, the said request has been denied. It is also contended that the petitioner has personal interest in the matter, as he is disappointed of not becoming the Chairman of the Board for the present period.

4. Having regard to the nature of allegations raised in the Writ Petition and the counter affidavit, we are of the view that in WP(C).35599/10 3 so far as the Lakshadweep Administration has clearly indicated that recovery proceedings have been initiated and they are proceeding with the recovery, there is no necessity to issue any further direction in this regard. Taking on record the averments in the counter affidavit filed by the Lakshadweep Administration, this Writ Petition is closed. MANJULA CHELLUR, CHIEF JUSTICE A.M.SHAFFIQUE, JUDGE
vgs6.2.14

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