

G. Devarajan Vs. State of Kerala

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Court : Kerala

Decided On : Feb-24-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : G. Devarajan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON MONDAY, THE 24TH DAY OF FEBRUARY 2014 5TH PHALGUNA, 1935 WP(C).No. 32187 of 2013 (W)

----- PETITIONER(S): ----- 1. G. DEVARAJAN, S/O. LATE GOVINDAN, PUNTHALA VEEDU, THURUTHIKKARA P.O., KUNNATHUR, KOLLAM.

2. B. PHILIP, S/O. LATE BENNY, PLANTHUNDIL VEEDU, SOORANAD NORTH P.O., KOLLAM DISTRICT.

3. RADHAKRISHNAN, S/O. LATE RAMAN, VALLITHUNDIL THEKKATHIL PUTHEN VEEDU, PORUVAZHY P.O., AMPALATHUMBHAGOM, KOLLAM-690 520.

4. SANKAR, S/O. LATE RAMAN, KALLOORKUZHI CHARINJAYYATH VADAKKATHIL, AMPALATHUMBHAGOM, KOLLAM-690 520. BY ADV. SRI. B. MOHANLAL RESPONDENT(S): ----- 1. STATE OF

KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, INDUSTRIES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. THE KERALA KHADI & VILLAGE INDUSTRIES BOARD, REPRESENTED BY ITS SECRETARY, VANCHIYOOR, THIRUVANANTHAPURAM, PIN-695 001.

3. THE PROJECT OFFICER, THE KERALA KHADI & VILLAGE INDUSTRIES BOARD, NEAR RAILWAY STATION, KOLLAM-691 001.

4. THE DISTRICT COLLECTOR, COLLECTORATE, CUTCHERY P.O., KOLLAM-691 013.

5. THE TAHASILDAR, REVENUE RECOVERY, TALUK OFFICE, KUNNATHOOR, SASTHAMCOTTAH, KOLLAM, PIN-690 527 sts 2/- -2- WP(C)NO.32187/2013 6. THE CHIEF EXECUTIVE OFFICER, OFFICE OF THE COMMISSIONER FOR KHADI & VILLAGE INDUSTRIES, 3, IRLA ROAD, VILE PARLE (W),MUMBAI-56.

7. THE SOORANAD GRAMA VIKASANA SOCIETY, NO.Q-46/96, SOORANAD P.O., KOLLAM, REPRESENTED BY ITS PRESIDENT K.G.DEVAKI AMMA, SANTHI BHAVAN, THURUTHIKKARA P.O., KUNNATHOOR, KOLLAM-690 540. R1,R4 & R5 BY GOVERNMENT PLEADER SRI.V.K.RAFEEK R2 & R3 BY ADV. SRI.TOM K.THOMAS, SC KERALA KHADI & VILLAGE R6 BY ADV. SRI.LEGY ABRAHAM, SC, K.V.I.C R7 BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/02-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts WP(C).No. 32187 of 2013 (W) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- P1: COPY OF THE

JUDGMENT

IN WPC.NO.24940/2006 OF THIS HON'BLE COURT DATED 29/10/2008. P2: COPY OF THE G.O.(RT)NO.1509/2009/ID DATED 01/12/2009 ISSUED BY THE 1ST RESPONDENT. P3: COPY OF THE G.O(MS)NO.100/2009/SC.ST.DD DATED 12/11/2009 ISSUED BY THE GOVERNMENT. P4: COPY OF THE

JUDGMENT

IN WPC.NO.28192/2010 OF THIS HON'BLE COURT DATED1309/2010. P5: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS EXCEPT PETITIONER3BEFORE THE2D RESPONDENT DATED2709/2010. P6: COPY OF THE

ORDER

NO.KB-5096/2005/R1(CBC) DATED1210/2010 ISSUED BY THE2D RESPONDENT TO THE7H RESPONDENT. P7: COPY OF THE

JUDGMENT

IN WPCNO.32970/2010 OF THIS HON'BLE COURT DATED2910/2010. P8: COPY OF THE REPRESENTATION DATED2712/2010 SUBMITTED BY THE1T PETITIONER BEFORE THE2D RESPONDENT. P9: COPY OF THE

JUDGMENT

IN OPC NO.115/2011 OF THIS HON'BLE COURT DATED2709/2012 FILED BY SRI.K.P.ANIL KUMAR. P10: COPY OF THE COMMUNICATION NO.B2-10714/06 DATED2301/2013 ISSUED BY THE4H RESPONDENT TO THE3D RESPONDENT. P11: COPY OF THE

ORDER

NO.R9-17190/08 DATED2501/2013 ISSUED BY THE3D RESPONDENT TO THE7H RESPONDENT. P12: COPY OF THE

ORDER

NO.KB-5096/2005/RI/CBC DATED0612/2013 ISSUED BY THE2D RESPONDENT TO THE PETITIONERS. P13: COPY OF THE REPRESENTATION SUBMITTED BY THE7H RESPONDENT TO THE6H RESPONDENT DATED0611/2013. P14: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE2D RESPONDENT DATED1212/2013. P15 COPY OF THE REPRESENTATION DATED0702/2014 FILED BY THE PETITIONERS BEFORE THE6H RESPONDENT RESPONDENT(S)' EXHIBITS: NIL /TRUE COPY/ sts P.A.TO.JUDGE P.R. RAMACHANDRA MENON, J.

OF2013----- Dated this the 24th day of February, 2014.

JUDGMENT

The petitioners have approached this Court with the following prayers: "(i) To call for the records leading to Ext.P12 and the demand in respect of the loan arrears of the Sooranad Grama Vikasana Society Reg. No"Q-46/96 from the 2nd Respondent and issue a writ of certiorari or other appropriate writ order or direction quashing the entire demand towards the loan liability and Revenue Recovery Proceedings against the Petitioners and absolve tghe Petitioners from the entire liability. (ii) To issue a writ of mandamus or any other appropriate writ, order or direction commanding the Respondents 2 and 6 to consider and pass orders in Ext.P13 and P14 within a stipulated time as directed by this Hon'ble Court and permit the 7th Respondent to remit 7,00,000/- towards Principal amount grant waiver of interest to the loan availed by the Sooranad Grama Vikasana Society Reg.No:Q-46/96 and till then the coercive Proceedings pursuant to Ext.IP12 as against the Petitioners may be kept in abeyance. (iii) To declare that the liability pursuant to Ext.P12 as against Petitioners will be subject to the outcome of orders passed by the Respondents 2 and 6 in Ext.P13 and P14. (iv) Issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case." 2. During the pendency of proceedings, the petitioners have filed I.A. No.2719 of 2014 producing copies of the representation preferred by the 7th respondent and the other one preferred by the petitioner before the 6th respondent as Exts.P13 and P15 respectively, for waiver of interest and penal interest on the loan W.P.C.No.32187 of 201 2 liability. The learned counsel for the petitioners submits that the 6th respondent is the competent authority in this regard and the only prayer is to cause the same to be considered and finalised within a reasonable time.

3. After hearing both the sides, the writ petition is disposed of, directing the 6th respondent to consider and pass appropriate orders on Exts.P13 and P15 in accordance with law, after giving an opportunity of hearing to the petitioners and also the 7th respondent and other interested parties, if any. The proceedings as above shall be finalised at the earliest, at any rate, within 'two months' from the

date of receipt of a copy of this judgment. Petitioners shall produce a copy of this judgment, along with a copy of the writ petition and I.A. No.2719 of 2014, before the 6th respondent, for further steps. The writ petition is disposed of. P.R. RAMACHANDRA MENON, JUDGE sp

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