

Sreejjith S vs State of Kerala

Sreejjith S vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1308015

Court : Kerala

Decided On : Feb-12-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/5254/2024

Appellant : Sreejjith S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN MONDAY, THE 12TH DAY OF FEBRUARY 2024 / 23RD MAGHA, 1945 AGAINST THE JUDGMENT IN EA 44/2015 OF DISTRICT CONSUMER REDRESSAL FORUM, THIRUVANANTHAPURAM PETITIONER:

SREEJJITH. S AGED 41 YEARS S/O KRISHNAN SADANANDAN, RESIDING AT F-40,PANICKERS LANE,SASTHAMANGALAM VILLAGE,SASTHAMANGALAM P.O, THIRUVANANTHAPURAM TALUK,THIRUVANATHAPURAM DISTRICT WORKING AS WORKING AS JUNIOR SUPERINDENTANT, SUB- REGISTRAR OFFICE, CHALAI,

TRIVANDRUM, PIN - 695010 BY ADVS. EMMANUEL CYRIAC CYRIAC KURIAN RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 2 THE INSPECTOR GENERAL OF REGISTRATION OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION,VANCHIYOOR P.O, THIRUVANANTHAPURAM, KERALA, PIN - 695010 3 THE SUB REGISTRAR OFFICE OF THE SUB REGISTRAR, CHALAI, THIRUVANANTHAPURAM, PIN - 695016 4 THE ASSISTANT REGISTRAR CONSUMER DISPUTES REDRESSAL FORUM, THIRUVANANTHAPURAM, PIN - 695001 5 SANDEEP T. GEORGE T.C.11/291, CHRIST NAGAR, KOWDIAR P.O., THIRUVANANTHAPURAM, KERALA, PIN - 695101 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

12.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is stated to be the incumbent Junior Superintendent in the office of the Sub Registrar, Chalai; and impugns Ext.P3 proceedings of the District Consumer Disputes Redressal Commission, Thiruvananthapuram (Commission for short), whereby, the Sub Registrar has been asked to recover certain amounts from him, purportedly

because, he was a judgment debtor in Ext.P2 order

of its.

2. The petitioner, through his learned

counsel - Smt.Emmanuel Cyriac, argues that when Ext.P2 order renders it luculent that the opposite party in question therein was the Junior Superintendent, office of the Sub Registrar, Chalai, it does not mean him because, he is the incumbent

officer; and therefore, that the Commission could not have issued an order akin to Ext.P3 to the Sub Registrar, to recover the money from him personally, when he is, in no manner, involved in the lis between the parties as reflected in Ext.P2. He thus prays that Ext.P2 be set aside.

3. The learned Government Pleader -

Sri.Sunil Kumar Kuriakose, submitted that, though he cannot represent the Commission, it appears that Ext.P3 is only an Execution Notice issued by it to the Sub Registrar, Chalai, in whose office the petitioner is presently working. He submitted that, therefore, he leaves it to this Court to issue appropriate orders, since he cannot make any comment on either Ext.P2 order or on Ext.P3 proceedings.

4. When I examine Ext.P3, it is evident that

it is styled as the communication to the Sub Registrar, asking him to recover certain amounts from the Junior Superintendent of his office in February, 2024 and to remit the same in favour of the Commission. It transpires from it that it is based on Ext.P2 order, which was earlier issued by the said Commission, wherein, the Junior Superintendent, office of the Sub Registrar, Chalai was the first opposite party. Normally, in such cases, the Commission ought to have issued notices to the parties, before initiating execution proceedings; but nothing is discernible from Ext.P3, whether it had been done and if any Authority had responded to it, or had failed to do so.

5. As matters now stand, Ext.P3 which the

communication issued by the Assistant Registrar of the Commission to the Sub Registrar, Chalai - make it appear that the recovery is to be effected from the present incumbent, who is the petitioner. This certainly is impermissible particularly, when the petitioner says that he joined office much later than Ext.P2 order.

In the afore circumstances, I allow this writ petition and set aside Ext.P3; with a consequential direction to the Commission to reconsider the matter and if required to hear the petitioner - if it is to be found that he is the person responsible to honour the decree debt; and then proceed as per law, without any avoidable delay. Sd/- DEVAN RAMACHANDRAN
JUDGE

SAS APPENDIX OF WP(C) 5254/2024 PETITIONERS EXHIBITS: Exhibit P1 TRUE COPY OF THE TRANSFER ORDER NO. E1Exhibit P2 TRUE COPY OF THE JUDGMENT IN CC/408/2010 DATED 15-10-2013 OF DISTRICT CONSUMER FORUM Exhibit P3 TRUE COPY OF THE LETTER DATED 02-02-2024 ISSUED BY THE 4TH RESPONDENT IN EA/44/2015

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com