

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WA.No. 688 of 2015 () IN WP(C).8068/2015

AGAINST THE JUDGMENT IN WP(C) 8068/2015 of HIGH COURT OF KERALA
DATED 13.3.2015

APPELLANT/PETITIONER :-

GEETHA KUMARI, AGED 50 YEARS
W/O.LATE GOPALAKRISHNAN NAIR, JYOTHIS, KUZHIMKUKKU
ATTINGAL, THIRUVANANTHAPURAM

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS/RESPONDENTS :-

1. DISTRICT COLLECTOR
THIRUVANANTHAPURAM-695005
2. TAHSILDAR
CHIRAYINKEEZH, THIRUVANANTHAPURAM

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.688 of 2015

Dated this the 23rd day of March 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the appellant as well as the learned Special Government Pleader.

2. This appeal has been filed against the judgment dated 13.3.2015 passed by the learned Single Judge in W.P.(C) No.8068 of 2015. In the writ petition, the petitioner had challenged the revenue recovery proceedings initiated against her. The relief claimed was to set aside Ext.P4 sale notice. The petitioner had earlier approached this Court by filing W.P. (C) No.14668 of 2012, which was disposed of on 22.11.2014 permitting the petitioner to pay the liability by way of four equal monthly instalments, the first of which was to be effected on or before 20.12.2014. The recovery proceedings were pursuant to non-deposit of the compensation as was directed by the trial court against the petitioner's husband, who was an accused in C.C. No.515 of 2013. The husband of

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the petitioner died on 24.5.2011. Since the petitioner could not deposit any amount in pursuant to the order dated 22.11.2014, sale notice was issued. The learned Single judge dismissed the present writ petition taking the view that since the petitioner had not complied with the earlier order, the writ petition claiming same relief could not be entertained.

3. The petitioner's case is that her husband left large number of liabilities which has been recently cleared including the liability of the State Bank of India, in which, SARFAESI proceedings were initiated. In the writ petition, the petitioner had given reasons for non-payment of the liability. In the present case, the fact is that the liability was towards the compensation, which was awarded against her deceased husband and apart from the liability to pay compensation, other liabilities were also there, which have been recently cleared by the petitioner.

In the aforesaid factual situation, we are of the view that ends of justice can be shown to the petitioner in permitting her to deposit the entire outstanding instalment before the 2nd respondent on or before 30.6.2015. We further

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make it clear that in the event of default in making the deposit by 30.6.2015, the respondents shall proceed with further proceedings consequent to the sale notice dated 24.2.2015.

With the above observation, this writ appeal is disposed of.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE

Jvt