

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937**

**WP(C).No. 2971 of 2015 (V)**  
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**PETITIONER :-**  
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**RAMAN, AGED 71 YEARS,  
S/O.VELAPPAN, ELAPPASSERY HOUSE,  
KIZHAKKEMURI P.O.,  
ELAVANCHERY, CHITTUR,  
PALAKKAD DISTRICT.**

**BY ADVS.SRI.G.P.SHINOD  
SRI.RAM MOHAN.G.  
SRI.MANU V.  
SRI.GOVIND PADMANAABHAN  
SRI.AJIT G.ANJARLEKAR**

**RESPONDENTS :-**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY,  
REVENUE DEPARTMENT,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLLECTOR  
CIVIL STATION, PALAKKAD - 678 001.**
- 3. THE SUB COLLECTOR,  
CIVIL STATION, PALAKKAD - 678 001.**
- 4. TAHASILDAR, (RR)  
REVENUE RECOVERY OFFICE,  
CHITTUR - 678 506.**
- 5. THE KERALA TODDY WORKERS WELFARE FUND BOARD,  
REPRESENTED BY ITS WELFARE FUND INSPECTOR,  
PALAKKAD - 678 001.**

**R BY SMT.M.T.SHEEBA,GOVERNMENT PLEADER  
R BY SRI.K.D.BABU, SC, KERALA TODDY WORKERS WELFARE FUND BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rkj**

**WP(C).No. 2971 of 2015 (V)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :-**  
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**EXHIBIT P1 :- A TRUE COPY OF THE LETTER DATED 01/08/2013 ISSUED FROM THE  
OFFICE OF THE FIFTH RESPONDENT REGARDING THE AMOUNTS  
DUE FROM THE PETITIONER.**

**EXHIBIT P2 :- A TRUE COPY OF THE LETTER ISSUED BY THE FOURTH  
RESPONDENT TO THE SECOND RESPONDENT.**

**EXHIBIT P3 :- A TRUE COPY OF THE LETTER NO. 74870/H1/2011/REV DATED  
13/03/2013.**

**RESPONDENT(S)' EXHIBITS :- NIL**  
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**rkj**

**//TRUE COPY//**

**P.A. TO JUDGE**

**A.MUHAMED MUSTAQUE, J**

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**W.P.(C)No.2971 of 2015**  
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**Dated this the 17<sup>th</sup> day of June, 2015**

**JUDGMENT**

The petitioner had a liability with the Kerala Toddy Workers Welfare Fund Board as on 10.06.2015 and the liability is ₹1,25,870/-. The petitioner's property was purchased by the State in terms of Section 50(2) of the Kerala Revenue Recovery Act, as a bought-in-land for the dues to the Welfare Board. This was purchased on 25.10.1997. The petitioner approached this Court for re-conveyance of the property and to set aside the same.

2. The fact in this case clearly shows that the dues to the institution remain still remain unpaid. Though, the Government purchased the property as a bought-in-land, the learned counsel for the Welfare Board submits that the Government has not paid any money to them.

3. Under Section 50(2), if there are no bidders, the officer conducting sale can purchase the property on behalf of the Government. It is admitted case in this that alleged dues to the Welfare Board is a separate entity incorporated under the Kerala Toddy Workers Welfare Board Act. The Division Bench of this case in **District Collector v. Subaida Beevi [2010(1) KLT 913]** held that, if there was no bidders, the Revenue Recovery Officer could have purchased the property only on behalf of the institution concerned. In this case, the purchase has been made in favour of the Government. The Government has no power referable under Section 50(2) to purchase the property for the amount due to the financial institution or Welfare Board. In that view of the case, I am of the view that the purchase itself is illegal and unsustainable. As has been noted the Welfare Fund due to the respondent is still remain unpaid. In such circumstances, this writ petition is liable to be allowed.

4. However, the petitioner has to pay the entire amount due to Welfare Board. This amount shall be paid within one

month from today. The petitioner shall also be bound to pay 5% collection charges to the Tahsildar concerned within one month.

5. If the petitioner complies with the above conditions, the competent authority/respondent shall re-convey the property to the petitioner within further period of two months at the expense of the petitioner.

Accordingly, this Writ Petition is disposed of.

Sd/-  
**A.MUHAMED MUSTAQUE**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE