

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 8070 of 2008 (I)

PETITIONER(S):

1. MRS.T.N.INDIRA,W/O.RAJAN,
NEDUMPARAMBIL, MUTTATHIPARAMBU P.O.,
CHERTHALA - 688 527.
2. R.RAJAN, NEDUMPARAMBIL,
MUTTATHIPARAMBU P.O., CHERTHALA - 688 527.

BY ADV. SRI.T.RAJESH

RESPONDENT(S):

1. TAHASILDAR, CHERTHALA.
2. R.D.O., ALAPPUZHA.
3. DEPUTY COLLECTOR (RR), ALAPPUZHA.
4. DISTRICT COLLECTOR, ALAPPUZHA.
5. PARAMESHWARAN NAIR, KANNODATH HOUSE,
MARUTHORVATTAM P.O., CHERTHALA.
6. PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
7. STATE OF KERALA, REP.BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

*ADDL.R8 IMPEADED

*ADDL.R8: SUDARSHANAN,S/O.GOPALAN,
PUDUPADIYIL HOUSE, THANNEERMUKKOM
NORTH VILLAGE, CHERTHALA TALUK, ALAPPUZHA.

*ADDL.R8 IS IMPEADED AS PER ORDER DATED 03/02/2015 IN IA.NO.10561/08.

WP(C).NO.8070/2008

***ADDL.R9 & R10 IMPEADED**

***ADDL.R9: N.A.SADANANDAN,
S/O. AYAPPAN,AGED 50 YEARS,
ANISH BHAVAN, CHERTHALA SOUTH VILLAGE,
CHERTHALA.**

***ADDL.R10: M.SURENDRAN,S/O. MADAVAN, AGED 48 YEARS,
SUJISH BHAVAN, THANNERMUKKOM NORTH VILLAGE,
CHERTHALA.**

***ADDL.R9 & R10 ARE IMPEADED AS PER ORDER DATED 03/02/2015
IN IA.NO.13974/2008**

**R1 TO R4,R6 & R7 BY SR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.
R5 BY ADVS. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.**

**ADDL.R8 BY ADV. SRI.G.BIJU
ADDL.R9 & R10 BY ADV. SRI.JOHN JOSEPH(ROY)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE NOTICE DATED 24/4/2007 RECEIVED BY THE PETITIONER FROM THE 1ST RESPONDENT ON 1ST WEEK OF MAY.**
- P2 COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 2/6/2007**
- P3 COPY OF THE LETTER DATED 9/8/2007 SENT BY THE 4TH RESPONDENT SERVED ON THE HUSBAND OF THE PETITIONER ON 18/8/2007**
- P4 COPY OF THE LETTER DATED 20/8/2007 SENT BY THE 2ND PETITIONER TO THE 3RD RESPONDENT THROUGH REGISTERED POST.**
- P5 COPY OF THE ACKNOWLEDGEMENT CARD EVIDENCING THE RECEIPT OF EXHIBIT P4 LETTER BY THE 3RD RESPONDENT.**
- P6 COPY OF THE LETTER ISSUED BY THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT ON 14/1/2008 TO THE PETITIONER.**
- P7 COPY OF THE LETTER SENT BY THE PETITIONER TO THE 6TH RESPONDENT ON 28/1/2008**
- P8 COPY OF THE ADVERTISEMENT MADE BY THE PETITIONER IN THE MALAYALAMANORAMMA NEWS PAPER DATED 19/4/08**
- P9 COPY OF THE AFFIDAVIT SWORN BY SRI.GOPALAN STATING THAT HE IS PREPARED TO PURCHASE THE PROPERTY FOR AN AMOUNT OF RS.12,50,000/-**

RESPONDENT'S EXHIBITS:

- R1(A) COPY OF THE REPORT NO.1/2001 DATED 20/01/2001 OF THE VILLAGE OFFICER, THANNERMUKKOM NORTH VILLAGE**
- R1(B) COPY OF THE REPORT NO.B9-121-01/ST DATED 23/04/2007 OF THE TALUK SURVEYOR**
- R4(A) COPY OF THE REPORT DATED 1/09/2007 SENT FROM THE 4TH RESPONDENT OFFICE TO THE GOVERNMENT**
- R5(A) COPY OF THE MAHAZAR DATED 30/05/2007**
- R5(B) COPY OF THE JUDGMENT IN WP(C).NO.33449/2007 DATED 13/11/2007**
- R5(C) COPY OF THE SALE CONFIRMATION DATED 10/1/2008**
- R5(D) COPY OF THE TAX RECEIPT NO.22203373 DATED 25/03/2008**

WP(C).NO.8070/2008

R5(E) COPY OF THE JUDGMENT DATED 12/6/08 IN W.A.NO.1057/08

R5(F) COPY OF THE PROPERTY SHOWING THE 110 KV LINES PASSING OVER THE
SAME

R5(G) COPY OF THE SALE DEED DATED 5/2/2007.

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8070 of 2008

Dated this the 3rd day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

a) issue a writ of certiorari or any other appropriate writ, order or direction quashing Exhibit P6 order issued by the 6th respondent and all further proceedings pursuant to the decision taken by 3rd and 4th respondent on Exhibit P2 complaint and the sale conducted on 30.5.2007.

b) issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to re-hear Exhibit P2 complaint and to take a fresh decision in the matter after hearing the petitioner.

c) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 3, 4 and 6 to set aside the sale conducted on 30.5.2007 and to re-auction the same after making proper public publication and advertisement.

d) to declare that the sale conducted by the revenue authorities on 30.5.2007 and subsequent confirmation of the sale and all further steps taken pursuant there to by the respondents 1 to 4 is vitiated by fraud, coercion, undue influence and material irregularity and is not valid and binding on the petitioner."

2. Pursuant to the orders passed by this Court, the matter was sought to be settled through mediation. A report of the mediation was submitted by the mediator on 14.01.2015 along with the terms of settlement dated 15.12.2014, which are in the following terms:

"1. 4 meter pathway would be left for the ownership and use of 5th respondent and the remaining property to be disposed off jointly within the shortest period.

2. Out of the total consideration, 60% would go to the petitioner and 40% would go to the 5th respondent.

3. The 5th respondent would take step to shifting the electric line to the pathway that would be provided as per this agreement.

4. The parties are agreed to demolish the required portion of the building required setting up of the aforementioned pathway on the eastern side of the property.

5. Respondents 1 to 4 and 6 & 7 are State and they are not necessary parties in this agreement."

3. After hearing, the writ petition is disposed of in terms of the settlement as above. It shall be for the parties concerned to give effect to the terms of settlement.

**P.R. RAMACHANDRA MENON,
JUDGE.**