

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 10619 of 2010 (B)

PETITIONER(S) :

**KUNJUNNI, S/O.CHAMI,
NEELIKAVU, EDAKKARA,
NILAMBUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S) :

- 1. THE THAHSILDAR,
TALUK OFFICE, NILAMBUR.**
- 2. REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA.**
- 3. THE DISTRICT COLLECTOR,CIVIL STATION,
MALAPPURAM.**
- 4. STATE OF KERALA, REP. BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT(H), SECERATARIATE,
THIRUVANANTHAPURAM.**
- 5. MANAGER, STATE BANK OF INDIA,
MANIMOOLY BRANCH, MALAPPURAM DISTRICT.**

**R1 TO R4 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R5 BY ADV. SRI.R.S.KALKURA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE CERTIFICATE OF CONFIRMATION OF SALE
DATED 10.01.1996.**

**EXHIBIT P2: A TRUE COPY OF THE COMMUNICATION ISSUED BY THE FIRST
RESPONDENT DATED 26.03.1997.**

EXHIBIT P3: A TRUE COPY OF THE CASH RECEIPT DATED 29.01.2008.

**EXHIBIT P4: A TRUE COPY OF THE COMMUNICATION DATED 29.01.2008 ISSUED
BY THE FIFTH RESPONDENT.**

**EXHIBIT P5: A TRUE COPY OF THE REPRESENTATION DATED 28.11.2008 TO
THE HON'BLE REVENUE MINISTER.**

EXHIBIT P6: A TRUE COPY OF THE COMMUNICATION DATED 18.03.2009.

EXHIBIT P7: A TRUE COPY OF THE COMMUNICATION DATED 05.08.2009.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.10619/2010**  
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Dated this the 5th Day of June, 2015

J U D G M E N T

The petitioner has approached this Court for re-conveyance of the bought-in-land by the Government in terms of Section 71 of the Revenue Recovery Act, 1968. The petitioner was a defaulter to repayment of a loan to the State Bank of India. Therefore, the petitioner's property has been auctioned and the Government has purchased the land for Re.1/- in terms of Section 50 of the Revenue Recovery Act, 1968. Ext.P1 is the confirmation of sale. It is now admitted that the entire amount due to the Bank has been discharged by the petitioner as evident from Ext.P4.

2. In **District Collector v. Subaida Beevi** [2010 (1) KLT 913], the Division Bench of this Court held that "if there are no bidders, the Revenue Recovery Officer could have purchased the property only on

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behalf of the Bank". In this case, the Government itself purchased the property, which is illegal and unsustainable.

3. In view of the above and in the light of the dictum laid down by this Court in **Subaida Beevi's** case (*supra*), Ext.P1 is set aside and therefore, the consequential order is also set aside. There shall be a direction to the competent among the respondents to reconvey the land at the expense of the petitioners within a period of three months after collecting collection charges, if any, due under the Revenue Recovery Act.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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