

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 7124 of 2015 (M)

PETITIONER :

**OMANA RAJAMANI,
GEETHA BHAVAN, NEAR KUTTIKKAL TEMPLE,
PULLUVAZHY P.O, PERUMBAVOOR.**

**BY ADVS.SRI.P.S.SOMAN
SMT.T.RADHAMANY**

RESPONDENT(S):

- 1. THE TAHSILDAR,
TALUK OFFICE, KUNNATHUNADU, PERUMBAVOOR.**
- 2. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**
- 3. THE COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE BUILDING, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN-695 001.**
- 4. G.SURESH BABU,
GEETHA BHAVAN, PULLUVAZHY P.O., PERUMBAVOOR.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE SALE DEED NO.3722/08 DATED ON 13.10.2008 OF SRO KURUPPAMPADY.
- EXT.P2: TRUE COPY OF THE LETTER RECEIVED FROM THE 1ST RESPONDENT DATED 25.10.2014 PROPOSING TO CANCEL EXT.P1 SALE DEED.
- EXT.P3: TRUE COPY OF THE REPLAY FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 07.11.2014.
- EXT.P4: TRUE COPY OF THE LETTER RECEIVED FROM THE ASSISTANT COMMISSIONER, SPECIAL CIRCLE, COMMERCIAL TAXES, THRISSUR AS PER HE RTI ACT DATED 31.12.2014.
- EXT.P5: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 31.12.2014 CANCELLING THE TRANSFER OF PROPERTY EFFECTED AS PER EXT.P1 SALE DEED.
- EXT.P6: TRUE COPY OF THE NOTICE DATED 16.01.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER ATTACHING THE DWELLING HOUSE OF THE PETITIONER.
- EXT.P7: TRUE COPY OF THE REVISION PETITION DATED 09.02.2015 FILED BEFORE THE 3RD RESPONDENT.
- EXT.P8: TRUE COPY OF THE PETITION FOR STAY OF THE OPERATION OF EXT.P5 ORDER OF THE 1ST RESPONDENT DATED 09.02.2015.
- EXT.P9: TRUE COPY OF THE AUCTION SALE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 07.02.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.7124 of 2015

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Dated this the 6th day of March, 2015

JUDGMENT

Aggrieved by an order passed under the Kerala Revenue Recovery Act, cancelling a sale under Section 44 of the Act, the petitioner had preferred Ext.P7 revision petition and Ext.P8 stay petition before the 2nd respondent. The grievance of the petitioner in the writ petition is that even before considering the stay petition, a proposal is initiated for re-auctioning the property through Ext.P9 notice.

2. I have heard Sri.P.S.Soman Pulladan, the learned counsel for the petitioner and Sri.Shyson P.Manguzha, the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose the writ petition with the following directions:

- i. The 3rd respondent shall consider and pass orders on Ext.P7 revision petition within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.

ii. I make it clear that no steps pursuant to Ext.P9 shall be continued till such time as orders are passed by the 3rd respondent as directed above and communicated to the petitioner.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

mns/

