

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 18242 of 2007 (V)

PETITIONERS :

1. B.MURALEEDHARAN, URULPANJANKUZHI KUNNUMPURATHU VEEDU
KARIPOOR VILLAGE, NEDUMANGADU TALUK
THIRUVANANTHAPURAM DISTRICT.
2. MRS. SUMANGALA, W/O SURENDRAN, URULPANJANKUZHI
KUNNUMPURATHU VEEDU, KARIPOOR VILLAGE, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS (SR.)

RESPONDENTS :

1. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, GOVT. OF KERALA,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SECRETARY, REVENUE (H) DEPARTMENT, GOVT. OF KERALA,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
3. THE COMMISSIONER OF LAND REVENUE, PUBLIC OFFICE BUILDING,
NEAR MUSEUM, THIRUVANANTHAPURAM.
4. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.
5. THE TAHSILDAR(RR), NEDUMANGADU TALUK,
THIRUVANANTHAPURAM DISTRICT.
6. THE VILLAGE OFFICER, KARIPOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

* ADDL.R7 TO R9 IMPEADED

ADDL.R7 : V.SUNIL KUMAR, ABHIRAMI HOUSE, ARYANADU VILLAGE,
ARYANADU P.O, KOTTARAKKARA

ADDL.R8 : K.SREEKUMAR, S/O.KUTTAN, ANITHA BHAVAN, OLIPPUNADU,
NARUVAMMODU P.O., PALLICKAL VILLAGE, NEYYATTINKARA

ADDL.R9 : V.SAJAYAN, VILAYILVEEDU, KAZHAKOOTTAM P.O, THIRUVANANTHAPURAM
(P/A HOLDER OF K.SREEKUMAR)

* ADDL.RESPONDENTS IMPEADED AS PER ORDER DT.08.02.2008 IN WP(C)

R1-R6 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
ADDL.R7 BY ADV. SRI.S.KRISHNAMOORTHY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18242 of 2007 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE LETTER DATED 2.2.2007 SUBMITTED BEFORE RESPONDENTS
5 & 6

EXT.P2 : COPY OF LETTER DATED 24.4.2007 SUBMITTED BEFORE RESPONDENTS 1, 2 , 3
TO 7

EXT.P3 : COPY OF THE LETTER DATED 17.5.2007 ISSUED BY THE 4TH RESPONDENT

EXT.P4 : COPY OF THE JUDGMENT DATED 25.8.2006 IN WP(C).No.22890/2006 OF THIS
HON'BLE COURT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

DAMA SESHADRI NAIDU, J.

W.P.(C).No.18242 of 2007

Dated this the 2nd day of December, 2015.

J U D G M E N T

The petitioners, being the brother and the sister, were the licensees to vend toddy for the year 2000-01. Owing to the default committed by them in the course of time, the Government initiated recovery proceedings, as a part of which the 1st petitioner was arrested and sent to the civil prison for about four months - in terms of Section 65 of the Revenue Recovery Act. Eventually, he is said to have been released based on the judgment dated 25.08.2006 of this Court in W.P.(C).No.22890 of 2006.

2. Insofar as the petitioners' immovable property is concerned, the extent being more than 2 acres, it was put in auction and the Government purchased it for a nominal sale consideration of ₹1/-.

3. Contending that the land in question has appreciated in value and it fetches in the open market more than a crore of rupees, the petitioners have filed this writ petition.

4. Initially the respondents filed a counter affidavit contending that the property could not be re-auctioned.

5. This Court on 06.12.2011 issued a direction to the respondents to file an additional counter affidavit explaining why the property could not be re-auctioned. In compliance thereof, the 2nd respondent filed an additional counter affidavit.

6. As can be seen from the additional counter affidavit, the 2nd respondent has explicitly averred that the Government is willing to put the property to re-auction after ascertaining the current market value and giving wide publicity.

7. In this context, the learned counsel for the petitioners also submitted that there are purchasers readily available. The Government pleader, on his part, has submitted that the authorities will take expeditious steps to re-auction the property.

In the facts and circumstances, having regard to the submissions made by the learned counsel for the petitioners and the learned Government Pleader, this Court disposes of the writ petition, especially going by the averments in the additional counter affidavit filed by the 2nd respondent, that the respondent authorities shall take steps to re-auction the petitioners' property as expeditiously as possible by following the due procedure.

Sd/-
DAMA SESHADRI NAIDU,
JUDGE