

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 11166 of 2015 (U)

PETITIONER(S):

- 1. SUJA IQBAL, AGED 40 YEARS,
W/O.LATE MUHAMMED IQBAL, RESIDING AT AMINA MANZIL,
THIRUMULLAVARAM P.O, KOLLAM DISTRICT.**
- 2. AMINA IQBAL, AGED 20 YEARS,
D/O.LATE MUHAMMED IQBAL, RESIDING AT AMINA MANZIL,
THIRUMULLAVARAM P.O, KOLLAM DISTRICT.**

**BY ADVS.SRI.R.NIKHIL
SRI.BINU PAUL (NETTOOR)
SRI.P.ABDUL RAZAK**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE TAHSILDAR (REVENUE RECOVERY),
OFFICE OF THE TAHSILDAR (REVENUE RECOVERY),
KOLLAM - 691 001.**
- 3. THE VILLAGE OFFICER,
KOLLAM WEST VILLAGE, KOLLAM - 691 001.**
- 4. KERALA STATE HOUSING BOARD,
REPRESENTED BY ITS MANAGING DIRECTOR,
KERALA STATE HOUSING BOARD HEAD OFFICE, HOUSING UNIT,
SHANTHI NAGAR, THIRUVANANTHAPURAM - 695 001.**
- 5. KERALA STATE HOUSING BOARD,
KOLLAM DIVISION, REPRESENTED BY ITS MANAGER,
KERALA STATE HOUSING BOARD, KOLLAM DIVISION,
KOLLAM - 691 001.**
- 6. THE AUTHORISED OFFICER,
KERALA STATE HOUSING BOARD, KOLLAM DIVISION,
KERALA STATE HOUSING BOARD, KOLLAM - 691 001.**

**R1 TO R3 BY GOVERNMENT PLEADER SMT. M.T.SHEEBA
R4 TO R6 BY SRI.GEORGE BOBAN, SC, K.S.H.B.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 11166 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

The petitioners are the legal heirs of late Muhammed Iqbal, who died on 24.10.2014. The petitioners challenge revenue recovery proceedings and sale of the immovable property belong to Muhammed Iqbal. The sale notice is dated 10.3.2015. The petitioners submit that they were not given opportunity to raise objection regarding the liability and proceedings initiated against the property of Muhammed Iqbal is illegal.

2. The learned counsel for the Housing Board submits that they will initiate proceedings against the legal heirs being holder of the estate of deceased Muhammed Iqbal after issuing fresh notice. It is further submitted by the learned counsel for the Board that liability had fastened on the deceased during his life time and revenue recovery proceedings have been initiated before his death.

3. In that view of the matter, the only irregularity is

the notice of sale. In view of the fact that the only dispute is regarding Ext.P4 notice, the respondents are at liberty to withdraw Ext.P4 and issue fresh notice of sale in the name of legal heirs of deceased Muhammed Iqubal.

4. If the petitioners want to avail one time settlement facility, they are free to do so. If the petitioners approach the respondents with that request which shall be done within two weeks. Thereafter, the Board shall take a decision on the request within one month after notice to the petitioners. In order to work out the above direction, the Board shall not take any steps for sale till the expiry of the period mentioned as above.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/