

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 17035 of 2015 (D)

PETITIONERS :

1. **M/S.TECIL CHEMICALS & HYDRO POWER LIMITED,
CHINGAVANAM, KOTTAYM - 686531
REPRESENTED BY ITS GENERAL MANAGER, MR. M.G. VIJAYAN**

**BY ADVS.SRI.MATHEWS K.UTHUPPACHAN
SRI.TERRY V.JAMES**

RESPONDENTS :

1. **THE STATE OF KERALA, REVENUE (S) DEPARTMENT
REPRESENTED BY THE PRINCIPAL SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM 695001**
2. **THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN, VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM - 695001**
3. **THE DISTRICT COLLECTOR
COLLECTORATE, KOTTAYAM 686002**
4. **THE TAHSILDAR (RR)
TALUK OFFICE, KOTTAYAM 686001**

**R1, R3 & R4 BY GOVERNMENT PLEADER SMT. M.T. SHEEBA
R2 BY SRI.P.SANTHALINGAM SENIOR ADVOCATE
BY ADV. SRI.S.SHARAN,SC,K.S.E.BOARD
BY SRI.JAICE JACOB,SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE ORDER DATED 19.09.2005 PASSED BY GOVERNMENT.
- P2: TRUE COPY OF ORDER DATED 17.03.2009 PASSED BY GOVERNMENT.
- P3: TRUE COPY OF THE JUDGEMENT DATED 06.03.2012 IN WPC.NO.10396/2009.
- P4: TRUE COPY OF LETTER DATED 09.02.2012 SENT TO THE 3RD RESPONDENT.
- P5: TRUE COPY OF THE LETTER DATED 17.03.2012 SENT BY THE 2ND
RESPONDENT TO THE PETITIONER.
- P6: TRUE COPY OF THE JUDGMENT DATED 01.06.2013 IN WPC. NO.2341/2009.
- P7: TRUE COPY OF THE ORDER DATED 21.02.2014 ISSUED BY 1ST RESPONDENT
REJECTING THE REQUEST FOR RE CONVEYANCE
- P8: COPY OF THE NOTICE DT 5/2/1999 ISSUED TO THE PETITIONER BY THE R2.
- P9: COPY OF THE LETTER DT 12/11/2012 ISSUED by the R4 TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 17035 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

The petitioner is a public limited Company, has approached this Court for re-conveyance of the property situated in Sy.No.751 and 752 in Block 19 in Nattakom, Kottayam sold on 05.11.2001 and purchased by the Government as Bough-in-land. It is admitted that public revenue was due to the Kerala State Electricity Board. There are no other dues other than dues to the Board. This Court in **District Collector V. Subaida Beevi (2010 (1) KLT 913)** held that the Government cannot purchase the land as bought-in-land for the dues to the other institutions. The case of the Board is that, the entire amount has been discharged by the petitioner and Ext.P9 has been issued for withdrawal of attachment.

2. The Government's stand is that, since the sale was over in the year 2001, as per the present Government Order re-conveyance is not possible after 5 years. The stand of the Government is untenable in view of the judgment of this Court in **Subaida Beevi's case**. The Government Order operate only

when there is a purchase by the Government for any Government dues. In this case purchase itself is irregular and unsustainable, as the Government could not have purchased the property for the dues of the Kerala State Electricity Board.

In that view of the matter, this writ petition is allowed. The competent respondents 3 & 4 is directed to re-convey the property at the expenses of the petitioner within three months from the date of receipt of a copy of this judgment.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.

Pn