

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 18354 of 2015 ()

PETITIONER(S):

- 1. GILROY,
S/O.LATE K.A.THOMAS, KANAPPILLY, VII/30
NAYARAMBALAM PANCHAYATH, NAYARAMBALAM.**
- 2. SHIBU,
S/O.LATE K.A.THOMAS, KANAPPILLY, VII/30
NAYARAMBALAM PANCHAYATH, NAYARAMBALAM.**
- 3. JAMES,
S/O.LATE K.A.THOMAS, KANAPPILLY, VII/30
NAYARAMBALAM PANCHAYATH, NAYARAMBALAM.**
- 4. ANTONY
S/O.LATE K.A.THOMAS, KANAPPILLY, VII/30
NAYARAMBALAM PANCHAYATH, NAYARAMBALAM.**
- 5. SUJA, W/O.NELSON
KULANGARA, BUILDING NO.20/334, PALLIPURAM PANCHAYATH
PALLIPURAM.**
- 6. SHIJI, W/O.SHIJU
ASARIPARAMBIL, BUILDING NO.4/163
PALLIPURAM PANCHAYATH, PALLIPURAM.**

**BY ADVS.SRI.DINESH R.SHENOY
SMT.K.K.JYOTHILAKSHMY
SRI.SANIL JOSE**

RESPONDENT:

**THE REVENUE DIVISIONAL OFFICER/SUB COLLECTOR
FORT COCHIN, COCHIN - 682 001.**

BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 18354 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE PHOTOCOPY OF JUDGMENT DATED 28.10.2010 IN WPC.NO.29452/2010, HIGH COURT OF KERALA.

P2 - TRUE PHOTOCOPY OF ORDER NO.6516/2009 DATED 5/11/2012 PASSED BY THE RESPONDENT.

P3 - TRUE PHOTOCOPY OF ORDER OF SALE OF IMMOVABLE PROPERTIES DATED 5.11.2012 ISSUED BY THE RESPONDENT.

P4 - TRUE PHOTOCOPY OF RELATIONSHIP CERTIFICATE ISSUED BY THE VILLAGE OFFICER, NAYARAMBALAM VILLAGE.

P5 - TRUE PHOTOCOPY OF RELEVANT PAGES OF RATION CARD NUMBER 1735016338.

P6 - TRUE PHOTOCOPY OF LETTER NO.J-6510/09 DATED 6.5.2013 SERVED ON 18.7.2013

P7 - TRUE PHOTOCOPY OF JUDGMENT DATED 25.2.2014 IN W.A.NO.87/2014 OF HIGH COURT OF KERALA.

P8 - TRUE PHOTOCOPY OF LEGAL HEIRSHIP CERTIFICATE DATED 22.2.2014 ISSUED BY THE TAHSILDAR, KOCHI.

P9 - TRUE PHOTOCOPY OF DRAFT DECLARATION IN FORM 18A OF THE REVENUE RECOVERY ACT DATED 6.11.2014

RESPONDENT(S)' EXHIBITS : NIL.

/TRUE COPY/

P.S.TO JUDGE

vmr.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.18354 of 2015

Dated this the 13th day of July, 2015

JUDGMENT

Petitioners are the legal heirs of one K.A.Thomas, an auction purchaser of the property comprised in Re.Sy Nos.65/12 & 18 of Nayarambalam Village, Kochi Taluk. They approached this Court on account of delay in issuing final declaration of lawful succession certificate of purchase of immovable property and also to register sales certificate under Section 56 of the Revenue Recovery Act. There were earlier writ petitions before this Court. This Court directed the revenue authorities to issue declaration under Section 57(1) of the Act and register a sales certificate on being satisfied that the petitioners are the illegal heirs of late K.A.Thomas. It appears that a legal heirship certificate has been issued to the petitioners. Ext.P8 is the legal heirship certificate and thereafter, a lawful succession certificate has been issued under Section 57(1) of the Revenue Recovery Act. However, nothing has been finalized thereafter. Accordingly, the petitioners have approached this Court.

2. It appears that it is on account of the reason that notice could not be effected on the legal heirs of the defaulter, the proceedings remain unconcluded. It is to be noted that there was challenge against the sale and that was ended in dismissal. Therefore, there is no impediment now to issue final declaration in favour of the legal heirs of the purchaser. Merely because of the legal heirs are stepping into the shoes of the original purchaser, that does not mean a fresh notice has to be issued to the defaulter. The present proceedings are only a continuation of proceedings based on the original sale.

In that view of the matter, needful shall be done to finalize the proceedings pursuant to draft declaration within one month. It is made clear that no further notice is necessary to the legal heirs of the defaulter in the matter.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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