

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 24178 of 2009 (N)

PETITIONER:

**S.PARTHIPAN, S/O.LATE SUBBIAH,
MIDDLE STREET, SILAMALAI VILLAGE,
BODINAYKKANNUR TALUK,
THENI DISTRICT, TAMIL NADU,
(REPRESENTED BY THE POWER OF ATTORNEY
HOLDER MR.SELVARAJ S/O.LATE P.KARUPPIAH,
UPPUKINATRU, STREET, WARD NO.3, SILAMALAI VILLAGE,
BODINAYKKANNUR TALUK, THENI DISTRICT, TAMIL NADU.)**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF LAND REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR, IDUKKI DISTRICT.**
- 3. THE TAHSILDAR, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.**
- 4. THE VILLAGE OFFICER,
SANTHANPARA VILLAGE, IDUKKI DISTRICT.**

BY SENIOR GOVERNMENT PLEADER SRI.SOJAN JAMES

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 24178 of 2009 (N)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE G.O.(MS).NO.196/96/RD DATED 22.3.1996.

EXHIBIT P2 : TRUE COPY OF THE LETTER NO.A5-3991/96 DATED 15.6.96.

**EXHIBIT P3 : TRUE COPY OF THE APPLICATION DATED 30.7.1996 GIVEN TO THE
3RD RESPONDENT.**

EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DATED 22.3.96 IN O.P.NO.4332/2003.

**EXHIBIT P5 : TRUE COPY OF THE NOTICE DATED 7.8.2004 ISSUED TO THE POWER
OF ATTORNEY HOLDER OF THE PETITIONER.**

**EXHIBIT P6 : TRUE COPY OF THE HEARING NOTICE DATED 9.1.2008 ISSUED BY THE
2ND RESPONDENT.**

EXHIBIT P7 : TRUE COPY OF THE REPORT DATED 17.3.2009.

EXHIBIT P8 : TRUE COPY OF THE REPORT DATED 21.12.20204.

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

C.K. ABDUL REHIM, J.

W.P.(C)No.24178 of 2009

Dated this the 21st day of January, 2015

JUDGMENT

Two Acres of land comprised in Survey No. 55/1 of Santanpara Village, which belonged to the predecessor in interest of the petitioner Sri.A subbiah, was bid in auction by the Government in a revenue recovery sale conducted in the year 1986 and the land remained as bought-in-land. On the basis of Ext.P1 order of the State Government, re-conveyance of bought-in-lands to its original owners or to their legal heirs were permitted, subject to condition that application should be made within a period of 2 years from the date of confirmation of sale, after clearing the dues as provided in the Government Order. Based on Ext.P1 Government Order the 3rd respondent had intimated the predecessor in interest of the petitioner through Ext.P2 letter requesting him to submit application for re-conveyance of the land, provided he is willing to remit the current market value of

the land in question within a period to 6 months from the date of Ext.P1 order. Based on Ext.P2 request the predecessor in interest of the petitioner along with his brother had submitted Ext.P3 application seeking re-conveyance of the bought-in-land. Since the said application was not considered the predecessor in interest of the petitioner had approached this court in a writ petition, which was disposed of through Ext.P4 judgment. The 3rd respondent was directed to take a decision on Ext.P3 request in accordance with law, after affording opportunity of personal hearing within a period of one month. Till such time it was directed to maintain status quo with respect to the property. After Ext.P4 judgment the 3rd respondent afforded an opportunity of personal hearing to the parties as evident from Exts.P5 and P6. According to the petitioner all the legal heirs of the predecessor in interest as well as the power of attorney holder appeared pursuant to such notices. However, no decision was taken by the 3rd respondent pursuant to the personal hearing conducted, is the complaint. It is stated

that the petitioner had obtained valuation certificate from the Village Officer concerned with respect to the property fixing the market value existed as on 2004. The petitioner is seeking appropriate direction for finalisation of the matter by the 3rd respondent taking into consideration of such valuation certificates.

2. Learned Government Pleader appearing on behalf of respondents, on the basis of instruction submitted that, the Tahsildar had already submitted a detailed report to the District Collector after assessing market value of the property involved in the case. It is submitted that the property shall be re-conveyed on getting suitable orders from the District Collector.

3. This court is of the considered opinion that interest of justice can be achieved by directing respondents 2 and 3 to take an appropriate decision on the question of re-conveyance of the land to the petitioner, based on the proceedings initiated pursuant to Ext.P3 application, in the light of Ext.P4 judgment. Hence the writ petition is disposed of by directing respondents 2

and 3 to dispose of the matter accordingly, if necessary after affording further opportunity of personal hearing to the petitioner, at the earliest possible at any rate, within a period of three months from the date of receipt of copy of this judgment.

**Sd/- C.K. ABDUL REHIM
JUDGE**

MJL