

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 20568 of 2015 (U)

PETITIONER(S) :

**VISWAMBARAN, AGED 66 YEARS,
S/O.GOPALAN, KULAPPARAMBIL VEEDU, MULLURKARA VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.BINOY VASUDEVAN
SRI.R.MANIKANTAN
SMT.P.G.BABITHA**

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR
COLLECTORATE, CIVIL STATION, PALAKKAD-678 623.**
- 3. TAHSILDAR (RR),
CIVIL STATION, PALAKKAD-678 623.**
- 4. THE VILLAGE OFFICER,
PUDUSSERY EAST, PALAKKAD-678 623.**
- 5. CANARA BANK,
PUDUSSERY BRANCH, REPRESENTED BY MANAGER,
OPP. I.T.I. LTD., KANJIKKODE WEST, PALAKKAD-678 623.**

**R1 TO R4 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA
R5 BY ADV. SRI.PAULY MATHEW MURICKEN, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF ASSIGNMENT DEED NO. 3989/84 OF S.R.O. PALAKKAD.**
- EXHIBIT P2: TRUE COPY OF THE RECEIPT DATED 30-12-2009 RECEIVING AN AMOUNT OF RS.85,000/- ISSUED BY THE 6TH RESPONDENT.**
- EXHIBIT P3: TRUE COPY OF THE DEMAND DRAFT OF RS.4,250/-.**
- EXHIBIT P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT WITH COPY TO THE 3RD RESPONDENT.**
- EXHIBIT P5: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 28-08-2010.**
- EXHIBIT P6: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.30952/2010.**
- EXHIBIT P7: TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER PRODUCING EXHIBIT P6 JUDGMENT.**
- EXHIBIT P8: TRUE COPY OF THE ORDER NO.B.8.2014/59114/9/03/2015 DATED 25-03-2015 ISSUED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 20568 of 2015

Dated this the 21st day of July, 2015

J U D G M E N T

Petitioner was a defaulter of the loan availed from the 5th respondent. Pursuant to revenue recovery proceedings, the petitioner's property was put in auction. Since there was no bidder it was purchased by the State as a bought-in-land in term of Section 50 of Revenue Recovery Act.

2. The petitioner has approached this Court for re-conveying the land purchased by the State as bought-in-land for the reason that the petitioner has discharged the entire liability to the Bank. It is admitted by the counsel for the Bank that the petitioner has discharged the entire liability. Petitioner also submits that he has also paid collection charges due to the State.

3. The purchase of the bought-in-land by the Government is illegal in the light of the judgment of this Court in **District Collector V. Subaida Beevi (2010 (1) KLT 913)**. It is held therein that, the Government cannot purchase the land as a bought-in-land for the dues to another institution or entity. The Government after purchased the land have not discharged the

liability towards the Bank. In such circumstances, there is no justification for the Government in refusing to re-convey the land. Therefore rejection of the request for re-conveying the land by the Collector is liable to be set aside. Accordingly, it is set aside.

4. Considering the fact that the petitioner has discharged the entire liability following directions are issued:

- (i) The Tahsildar shall intimate the petitioner to any other dues is leviable from the petitioner, within 4 weeks from the date of receipt of a copy of this judgment. If any public revenue dues exists, the petitioner shall clear the dues.
- (ii) The competent among the respondents shall re-convey the land to the petitioner within two months thereafter at the expense of the petitioner.

This writ petition is disposed of.

Sd/-
A. MUHAMED MUSTAQUE, JUDGE.