

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 24787 of 2014 (W)

PETITIONER:

**HAMSA
THERUVATH VEETIL HOUSE,
MANATHALA,
CHAVAKKAD.**

**BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH**

RESPONDENT(S):

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
NEW DELHI.**
- 2. THE COMPETENT AUTHORITY,
UNDER SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS
(FORFEITURE OF PROPERTY) ACT, UTSAV
NO.64/1 GN CHETTY ROAD, T. NAGAR, CHENNAI-600017.**
- 3. THE SUB REGISTRAR,
KOTTAPADY,
GURUVAYUR,
THRISSUR DISTRICT.**

**R1-R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY ADV. GOVERNMENT PLEADER SMT.M.J.RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE DOCUMENT NO. 2376/2008 DATED 23-9-2008 OF KOTTAPPADY SUB REGISTRAR OFFICE.
- EXHIBIT P2. TRUE COPY OF THE DOCUMENT NO. 587/1973 OF KOTTAPPADY SUB REGISTRY DATED 19-6-1973.
- EXHIBIT P3. TRUE COPY OF THE TAX RECEIPT IN RESPECT OF THE PROPERTY FOR THE YEAR 2012-13 DATED 27-4-2012 ISSUED BY THE VILLAGE OFFICER.
- EXHIBIT P4. TRUE COPY OF ENCUMBRANCE CERTIFICATE DATED 25-10-2012 ISSUED BY THE 3RD RESPONDENT IN RESPECT OF THE PETITIONERS PROPERTY.
- EXHIBIT P5. TRUE COPY OF THE COMMUNICATION RECEIVED BY THE 3RD RESPONDENT FROM THE 2ND RESPONDENT DATED NIL INTIMATING FORFEITURE OF THE PROPERTIES ORIGINALLY OWNED BY SRI. N.K. KUNHAVARA.
- EXHIBIT P6. TRUE COPY OF REPRESENTATION PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.24787 OF 2014
.....

Dated this the 12th March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) Declare that the petitioner's property covered by Ext.P1 document is not liable to be forfeited by the respondents under the provisions of Smugglers and Foreign Exchange Manipulators (Forfeiture of Property)Act, 1976;

ii) a writ of mandamus or any other appropriate writ order or direction commanding respondents 1 to 3 to release the encumbrance shown on the petitioner's property as forfeited under the provisions of Smugglers and Foreign Exchange Manipulators (Forfeiture of Property)Act, 1976;

iii) a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to consider Ext.P6 representation preferred by the petitioner on merits within a time limit prescribed by this Hon'ble Court;

iv) any other appropriate writ, order or direction as this Hon'ble Court may deem fit on the facts and in the circumstances of the case and allow this petition with all costs. "

2. It is stated by the learned Government Pleader that a Statement has been filed on behalf of the third respondent pointing out the facts and figures. The learned Counsel appearing for the respondents 1 and 2 seeks for time. The learned Counsel for the petitioner submits that the grievance of the petitioner has already been projected by way of Ext.P6 and that the petitioner will be satisfied if a direction is given to the second respondent to consider and finalise the same within a reasonable time.

3. In the above circumstance, there will be a direction to the second respondent/the competent authority to consider and dispose of Ext.P6, at the earliest, at any rate within 'two months' from the date of receipt of a copy of this judgment. Interim order passed by this Court will continue till such time.

The writ petition is disposed of. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the second respondent/competent authority for further steps.

P.R.RAMACHANDRA MENON
JUDGE