

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 24623 of 2015 (C)

PETITIONER(S):

**SRI.A.K.ANTONY, AGED 67 YEARS,
S/O. KUNJUVAREED, RESIDING AT ALAPPATT HOUSE,
PUTHENCHIRA P.O, THRISSUR DISTRICT -680 682.**

**BY ADVS.SRI.A.J.VARGHESE,
SRI.JOSE. V.V.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
AYYANTHOLE, THRISSUR-680 001.**
- 3. THE TAHSILDAR,
MUKUNDAPURAM TALUK, MUKUNDAPURAM-680 680.**

C BY GOVT. PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-10-2015, ALONG WITH WP(C).NO. 24656 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 PHOTOCOPY OF THE GOVERNMENT ORDER G.O(RT) NO.
3139/98/REVENUE, THIRUVANANTHAPURAM 08-07-1998 ISSUED BY
THE DEPUTY SECRETARY, REVENUE DEPARTMENT.**

**EXHIBIT P1(A) PHOTOCOPY OF THE ORDER DATED 15-12-1998 IN
I.A NO 3908/1998 IN O.S NO. 77/1990 OF THE ADDITIONAL SUB COURT,
IRINJALAKUDA.**

**EXHIBIT P3 PHOTOCOPY OF THE PRELIMINARY DECREE DATED 17-08-1999
PASSED BY THE ADDITIONAL SUB COURT, IRINJALAKUDA IN
O.S NO. 77/1990.**

**EXHIBIT P4 PHOTOCOPY OF THE LETTER 03-12-2014 ADDRESSED TO
ADDITIONAL GOVERNMENT PLEADER ALONG THE DETAILS OF
FACTS IN RESPECT OF THE BACKGROUND NARRATED BY THE
3RD RESPONDENT.**

**EXHIBIT P5 PHOTOCOPY OF THE ORDER DATED 09-11-1973 IN O.A NO. 113/1973
ISSUED BY THE VELLANGALLOOR LAND TRIBUNAL IN FAVOUR OF
SRI.KUNJUPERINCHU.**

**EXHIBIT P6 PHOTOCOPY OF THE REPRESENTATION DATED 30-06-2015
SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
ALONG WITH ACKNOWLEDGEMENT CARD.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.24623 of 2015

&

W.P.(C).No.24656 of 2015

.....

Dated this the 14th day of October, 2015

J U D G M E N T

In both these writ petitions, the petitioners have filed representations before the 1st respondent to consider their prayer for issuing appropriate directions so as to ensure that the suit filed by the respondents before the Sub Court, Irinjalakuda (O.S.No.77 of 1990) is withdrawn by the respondents. The facts in the writ petition would indicate that, by proceeding against properties of a defaulter for recovery of dues to the respondents, the respondents had auctioned the properties and purchases the properties as bought-in-land. Thereafter, the aforementioned suit was filed before the Sub Court, Irinjalakuda, for partitioning the property in proportion to the amounts that were recoverable by various departments under the respondents. It would appear that, in the pending suit before the Sub Court, Irinjalakuda, the defaulters deposited the entire dues to the respondents and by an interim order that was passed by the Sub Court there was an injunction against further proceedings against the property. The defaulters apparently sought permission of the respondents to file an application for re-conveyance of the land that was purchased by

the Government as bought-in-land. By Ext.P1 order, the Government permitted the defaulters to put in an application for re-conveyance of the land. Thereafter, the defaulter passed away and although the petitioners herein, who have an interest in the said property, had approached the respondents for taking steps to withdraw the suit considering the fact that the defaulted amounts had already been received in full by the respondents, it is the case of the petitioners that the respondents have not taken any action towards that end. It is seeking a direction to the respondents to take appropriate action that Ext.P6 representation in W.P.(C).No.24623 of 2015 and Ext.P5 representation in W.P.(C).No.24656 of 2015 have been preferred by the petitioners before the 1st respondent. In both these writ petitions, the limited prayer of the petitioners is for a direction to the 1st respondent to consider and pass orders on the representations after hearing them.

2. Heard the petitioners in both these writ petitions and the learned Government Pleader for the respondents in both these writ petitions.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petitions with a direction to the 1st respondent to consider and pass

orders on Ext.P6 representation in W.P.(C).No.24623 of 2015 and Ext.P5 representation in W.P.(C).No.24656 of 2015 within a period of two months after hearing the petitioners. The petitioners shall produce copies of the writ petitions before the 1st respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE