

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 32647 of 2011 (E)

PETITIONER:

**T.V.MATHEWS,AGED 68 YEARS,
FARMER, THENUKAL HOUSE, NENMENI P.O
SULTHAN BATTERY, WAYANAD DISTRICT**

BY ADV. SRI.P.THOMAS GEEVERGHESE

RESPONDENT:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM - 695 004**
- 2. SUB-COLLECTOR,
RDO OFFICE, MANANTHAVADI, WAYANAD - 670 645**
- 3. TAHSILDAR,(REVENUE RECOVERY)
AMALAVAYAL, WAYANAD - 670 001**
- 4. SRI.MUJEEB RAHMAN,
S/O.KOYAMU HAJI, KULIRAVUNGAL (H), VALIYAPRAMBUY
KODUVALLY - 670 001**

R1 BY ADVS. SMT.P.K.RADHIKA, KSEB

SRI. K.M.SATHYANATHA MENON, SC, KSEB

R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF LETTER OF DEPUTY CHIEF ENGINEER,KSEB
DATED 15.5.2004**
- EXT.P2 TRUE COPY OF JUDGMENT IN CC NO.337/1999 DATED 30.4.2003 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, S.BATHERY**
- EXT.P3 TRUE COPY OF NOTICE OF SALE NO.C3/21580/00 DATED 14.6.2007**
- EXT.P4 REPRESENTATION OF PETITIONER DATED 30.3.2009 TO
DISTRICT COLLECTOR**
- EXT.P5 TRUE COPY OF ORDER OF SUB-COLLECTOR,MANANTHAVADY
DATED 24.8.2011**

RESPONDENT(S)' EXHIBITS:-

- EXT.R1(a) A TRUE COPY OF THE ORDER DATED 5.10.2000**
- EXT.R1(b) A TRUE COPY OF THE ORDER DATED 07.06.2004 IN I.A. NO.
6313/2004**
- EXT. R1(c) A TRUE COPY OF THE COMMUNICATION DATED 24.06.2014**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 32647 OF 2011

Dated this the 2nd day of June, 2015

JUDGMENT

The property of extent 24 cents belonging to the petitioner was sold in auction for a paltry sum of Rs. 1,34,000/-. The petitioner did file Ext. P4 representation dated 30.03.2009 within thirty days from 25.03.2009 on which date was the auction sale conducted. But the sale was confirmed on 24.08.2011 without reference to Ext. P4 representation or hearing the petitioner.

2. I do feel that there has been an infraction of the provisions of Kerala Revenue Recovery Act and particularly Section 52 thereof. The petitioner has reportedly remitted a sum of Rs. 1,50,000/- pursuant to the interim order dated 08.12.2011 in this writ petition. The fourth respondent who is the auction purchaser though served with notice in the writ petition has not chosen to oppose the plea. Ext. P5 order confirming the

sale is therefore quashed and the matter remitted to the second respondent for de-novo consideration.

3. I direct the second respondent to consider Ext. P4 representation afresh (a copy of which will be made available by the petitioner) within a period of two months. The requisition authority and the auction purchaser shall be put on notice and heard. The question whether the property of the petitioner can be salvaged on adequately compensating the auction purchaser and paying the electricity dues shall be explored.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS