IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 31247 of 2014 (E)

PETITIONER(S):

SINDU,
AGED 40 YEARS, W/O.SOBHANDAS,
ARANGATHUPARAMBIL, MADAKKATHARA VILLAGE,
VELLANIKKARA P.O., THRISSUR DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL),
SMT.R.RAJITHA &
SRI.K.D.SREEVISAKH.

RESPONDENT(S):

1. STATE OF KERALA,
REPRSENTED BY REVENUE SECRETARY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

2. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT - 680 001.

3. THE TAHSILDAR,
THRISSUR TALUK, THRISSUR DISTRICT - 680 001.

4. THE VILLAGE OFFICER,
MADAKKATHARA VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT - 680 001.

5. THE KERALA STATE FINANCIAL ENTERPRISES LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR, 'BHADRATHA'
MUSEUM ROAD, P.B.NO. 510, THRISSUR DISTRICT - 680 020.

6. THE SPECIAL DEPUTY TAHSILDAR (RR - V),
OFFICE OF THE SPECIAL DEPUTY TAHSILDAR (RR-V),
KSFE LTD, P.B.NO. 510, CHEMBUKKAVU,
THRISSUR DISTRICT - 680 020.

7. THE KERALA STATE ELECTRICITY BOARD LTD.,
REPRESENTED BY ITS CHAIRMAN, VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM, PIN - 695 004.

Contd....

***ADDL. R8 IS IMPLEADED**

**R8. THE SPECIAL DEPUTY TAHSILDAR,
KSEB, OFFICE OF THE SPECIAL DEPUTY TAHSILDAR, KSEB,
THRISSUR - 680 001.**

(*ADDITIONAL R8 IS IMPLEADED AS PER ORDER DATED 19/12/2014 IN I.A. 17498/14.)

**R5 BY SRI.A.M.ANTONY, SC, KERALA STATE FINANCIAL ENTERPRISES LTD.
R7 BY ADV. SRI.T.R.RAJAN, SC, K.S.E.B.
R6 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA,
BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD
BY SRI.ALEXANDER C.V., SC, KERALA STATE FINANCIAL ENTERPRISES LTD.**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

WP(C).No. 31247 of 2014 (E)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1:	TRUE COPY OF THE GIFT DEED NO. 987/1/2003 OF OLLUKKARA SRO DATED 10/03/2003.
EXHIBIT P2:	TRUE COPY OF THE GIFT DEED NO. 1657/1/2003 OF OLLUKKARA SRO DATED 23/04/2013.
EXHIBIT P3:	TRUE COPY OF RTI APPLICATION SUBMITTED BY 2ND PETITIONER DATED 11/06/2014.
EXHIBIT P3(A):	TRUE COPY OF INFORMATION GIVEN BY 4TH RESPONDENT.
EXHIBIT P3(B):	TRUE COPY OF THE RELEVANT PAGES OF BASIC TAX REGISTRY.
EXHIBIT P4:	TRUE COPY OF THE DEMAND NOTICE NO. SDT/TSR/3409 TO 3416/14-15 ISSUED BY 6TH RESPONDENT DATED 14/07/14.
EXHIBIT P5:	TRUE COPY OF THE SALE PROCLAMATION DATED 08/10/2014.
EXHIBIT P6:	TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 2ND RESPONDENT DATED 19/11/2014.
EXHIBIT P6(A):	TRUE COPY OF RECEIPT OF EXT.06.
EXHIBIT P7:	TRUE COPY OF APPLICATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 19/11/2014.
EXHIBIT P8:	TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 4TH RESPONDENT DATED 20/11/2014.

RESPONDENT(S)' EXHIBITS :

EXHIBIT R5(A):	STATEMENT DATED 18/12/2014 RECEIVED FR4OM SDT(RR)-V, THRISSUR.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.31247 of 2014

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Dated this the 11th day of June, 2015

JUDGMENT

The petitioner claims that she is the absolute owner and in possession of the property referred in Survey No.271/1P of Madakkathara Village, Thrissur District. The petitioner submits that in the revenue records, the property is shown as acquired property of the Kerala State Electricity Board (for short, 'KSEB'). On account of this fact, she is unable to sell the property to discharge the liability due to the Kerala State Financial Enterprises. The petitioner also points out that this is an apparent mistake for the simple reason that the revenue recovery proceedings are intiated against the property stating that it belongs to the petitioner. The petitioner has already approached the Tahsildar by Ext.P7 application and the Village Officer by Ext.P8 application to correct the revenue records.

In that view of the matter, there shall be a direction to the third respondent to consider Ext.P7 within one month after hearing the petitioner and the officials of the KSEB. There shall also be a direction to the fourth respondent to consider Ext.P8 within one month after hearing the petitioner. To work out the above reliefs, the entire revenue recovery proceedings against the petitioner shall be deferred for a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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