

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 32241 of 2015 (E)

PETITIONER :

**JOY JOSEPH, AGED 35 YEARS,
S/O JOSEPH, CHOLAMPUZHA, KOLAKKAD P.O.,
PERAVOOR KANNUR DISTRICT**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA**

RESPONDENTS :

- 1. KERALA FINANCIAL CORPORATION ,
REP BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM-695 001**
- 2. THE TAHSILDAR, REVENUE RECOVERY,
KERALA FINANCIAL CORPORATION,
KANNUR-670 001**

**R1 BY ADV. SRI.T.V.GEORGE, SC, KFC
R2 BY GOVERNMENT PLEADER SMT. LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE JUDGMENT D. 6/11/14 IN WPC 27586/14.
- EXT.P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR FINANCE DT. 25/11/14 WITH ENDORSEMENT DT. 26/11/14
- EXT.P3: TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DT. 5/1/15
- EXT.P4: TRUE COPY OF THE SALE NOTICE NO. DR. 22/3/REVENUE RECOVERY/KFC/KNR DT. 9/9/15 ISSUED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS :

- EXT.R1(a): COPY OF REQUEST LETTER SUBMITTED BY THE PETITIONER DT 28/11/2013.
- EXT.R1(b): COPY OF THE LETTER DT 19/2/2015 ISSUED BY THE R1 CORPORATION
- EXT.R1(c): COPY OF THE LETTER ISSUED BY THE PETITIONER DT 19/2/2015.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.32241 of 2015

Dated this the day of November 2015

JUDGMENT

The petitioner approached this Court aggrieved by Ext.P4 sale notice that was served on him, proposing to effect a sale of property belonging to him on 05.11.2015, for realisation of an amount of Rs.11,80,208/-, that is stated to be outstanding from him to the respondent Corporation. When the matter was called up today, it is submitted by counsel for the respondent Corporation that the amount shown as outstanding from the petitioner to the respondent Corporation in Ext.P4 notice is incorrect and the actual amount due is Rs.1,13,43,000/-. It is therefore stated that instructions have already been issued to the revenue recovery authority to cancel Ext.P4 notice so as to enable the respondent Corporation to send a fresh requisition to the Revenue Recovery Authority for recovering the higher amount indicated above.

2. Taking note of the said submission made by counsel for the respondent, and finding that the present grievance of the petitioner as against Ext.P4 notice now stands redressed with the decision of the respondent Corporation to withdraw Ext.P4 notice, I close this

writ petition, by recording the submission of the counsel for the respondent Corporation that steps have been taken to withdraw Ext.P4 notice issued to the petitioner. Further, finding that the respondent corporation would now have to take fresh steps for realisation of the higher amount indicated as due to them, I make it clear that, it will be open to the petitioner to approach the respondent Corporation, in the meanwhile, with an application for consideration of his case for One Time Settlement under any scheme that is in vogue. If the petitioner prefers any such application before the respondent corporation within a period of two weeks from the date receipt of a copy of this judgment, the respondent Corporation shall consider the same and intimate the petitioner of its decision within a period of one month thereafter.

The writ petition is closed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/