
(2014) 06 KL CK 0220
In the High Court Of Kerala
Case No : WP(C).No. 6078 of 2013 (H)

GEETHA

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 11-06-2014

Acts Referred:

Kerala Revenue Recovery Act, 1968 — Section 50(2), 71

Citation : (2014) 06 KL CK 0220

Hon'ble Judges : K. Vinod Chandran, J

Bench : Single Bench

Advocate : Suman Chakravarthy, Advocate for the Appellant; Manoj Kunjachan, Government Pleader for R3 and Sri. R.S. Kalkura for R5, Advocate for the Respondent

Final Decision : Allowed

Judgement

K. Vinod Chandran, J.—The petitioner is aggrieved by the bought-in-land proceedings concluded against the property of the petitioner, which proceeding, under the Revenue Recovery Act, was initially initiated for recovery of amounts due to the 5th respondent.

2. The admitted facts are that, the petitioner had availed of a loan from the 5th respondent, which was defaulted and for satisfaction of which, the 5th respondent, who is notified u/s 71 of the Kerala Revenue Recovery Act, 1968, requisitioned for recovery. The Revenue Recovery proceedings culminated in an auction of the property, in which there were no bidders. The Government, hence, bid the property for Re.1/- and purchased the same as bought-in-land in the name of the Government. Subsequent to that, the petitioner satisfied the entire loan amounts, as is evidenced from Exhibit P2. The learned Standing Counsel appearing for the 5th respondent also categorically admits that the loan has been satisfied. The only issue is with respect to the bought-in-land proceedings, proceeded with by the Government in a proceeding initiated on the requisition made by the 5th respondent-Bank.

3. The learned counsel for the petitioner submits that the same is illegal in view of the decision of this Court in District Collector, Alleppey and Others Vs. Subaida Beevi and Another, . A Division Bench of this Court found that when a notification is issued u/s 71 of the Act, the provisions of the Act would apply mutatis mutandis to the recovery of the amounts due to the notified institution. Hence, when a property is attempted to be sold in auction and there are no bidders and proceedings are initiated u/s 50(2) for purchasing the land for Re.1/-, the said purchase shall only be in favour of the notified institution and not in the name of the State. In a similar circumstance, the Division Bench held such action to be vitiated, in the aforesaid judgment. Following the binding precedent, the bought-in-land proceedings, proceeded and concluded with respect to the petitioner's property pursuant to Exhibit P1, is set aside. In the counter affidavit, it is admitted by the Government that the bought-in-land proceedings concluded against the properties of the petitioner in Re-survey No.389/11 in Block No.28 of Madavoor Village in Chirayinkeezhu Taluk with purchase for Re.1/- by the State. The said proceedings are hereby set aside. If the Government has taken possession of the property, the same shall be resumed to the petitioner within two months from the date of receipt of a copy of this judgment. The petitioner shall produce a certified copy of the judgment before the 2nd respondent, for compliance and any attachment made on the property, as against the debt of the 5th respondent shall be lifted forthwith.

Writ petition allowed. Parties are left to suffer their respective costs.