

(2012) 08 KL CK 0242

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 18487 of 2012 (I)

K. Manoharan

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 22-08-2012

Acts Referred:

Citation : (2012) 08 KL CK 0242

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : J. Julian Xavier and Sri. Firoz K. Robin, for the Appellant; Viju Thomas, Government Pleader, for the Respondent

Judgement

T.R. Ramachandran Nair, J.

APPENDIX

PETITIONER(S) EXHIBITS

EXT. P1

True copy of the representation dated 18.11.2010 filed before the 3rd respondent.

EXT. P2

True copy of the letter dated 13.6.2011 issued by the minister for revenue.

EXT. P3

True copy of the letter dated 14.7.2011 issued by the 3rd respondent to the 4th respondent.

EXT. P4

True copy of the letter dated 17.12.2011 issued by the 3rd respondent to the petitioner.

EXT. P5

True copy of the g.o. dated 30.6.1965.

EXT. P6

True copy of the g.o. dated 9.2.1968.

EXT. P7

True copy of the g.o. dated 22.3.1996.

EXT. P8

True copy of the representation dated 30.4.2012.

EXT. P9

True copy of the order dated 12.8.2011 issued by the 1st respondent.

RESPONDENT'S EXTS

NIL

1. The petitioner is seeking for a direction to the first respondent to reconvey the property having an extent of 85 cents in Survey No.417/1D of Thalayazham Village on clearing the entire liability. Alternatively, he seeks for a direction to pass orders on Ext.P8 representation in the light of the dictum laid down by a Division Bench of this Court in District Collector, Alleppey and Others Vs. Subaida Beevi and Another, . The petitioner's father, late Shri P.K.Kumaran was conducting a toddy shop as No.9 of Vaikom Range during the year 1982-83. There were arrears to Toddy Workers' Welfare Fund which led to the proceedings for sale of the property having an extent of 86 cents. It was sold in a public auction. It is averred in the writ petition that the entire property was bought in by the Government for Rs.1/-.

2. It is submitted by the Learned Counsel for the petitioner that even though the bid was in favour of the Government, the land was given on lease to the petitioner's father and now the petitioner is looking after the agricultural activities, after making necessary payments. It is also averred that attempts were made by the petitioner to clear off the arrears and to make payments. Finally, he was given a reply by the District Collector as per Ext.P4 stating that in the light of the provisions of G.O.(MS). No.578/Rev., dated 30/06/1965, the representation cannot be considered. Ext.P5 is the copy of the said Government Order. Ext.P6 is the subsequent Government Order whereby certain terms of Ext.P5 have been modified. Ext.P7 is the Government Order dated 22/03/1996 which also governs the matter and it is in terms of these Government Orders that the Learned Counsel for the petitioner submits that the application for reconveyance can be considered by the authorities concerned. Finally, the petitioner has approached the Government by filing Ext.P8 representation. The petitioner is also relying upon Ext.P9 Government Order dated 12/08/2011

issued in favour of one Shri Joseph Thomas whereby the Government has accorded sanction to reconvey an extent of 74.5 cents of land and the building therein which was also sold after taking steps under the Revenue Recovery Act for arrears of sales tax. In that view of the matter, there will be a direction to the Government to take a decision on Ext.P8 after considering all these aspects, after hearing the petitioner and in the light of the Judgment in District Collector, Alleppey and Others Vs. Subaida Beevi and Another, within a period of five months from the date of production of a copy of this Judgment along with a copy of the writ petition. The writ petition is disposed of as above. No costs.