
(2014) 08 KL CK 0186
In the High Court Of Kerala
Case No : W.P. (C). No. 28316 of 2012 (L)

P.A. Joseph

APPELLANT

Vs

Kerala Khadi and Village Industries Board

RESPONDENT

Date of Decision : 07-08-2014

Acts Referred:

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

Citation : (2014) 08 KL CK 0186

Hon'ble Judges : K. Vinod Chandran, J

Bench : Single Bench

Advocate : K.A. Hassan and Julia Priyareshmy, Advocate for the Appellant; Tom K. Thomas, Standing Counsel, A.J. Jose Aedaiedi, Government Pleader and D. Kishore, Advocate for the Respondent

Judgement

K. Vinod Chandran, J.—The petitioners are all aggrieved by the bought-in-land proceedings initiated by the Government with respect to the property of the industrial society, which is the petitioner in W.P. (C). No. 12980 of 2014. The petitioners in the other two writ petitions, being husband and wife, are concerned with the distress created on their personal properties, under the Kerala Revenue Recovery Act, 1968 [for brevity "RR Act"] with respect to the dues of the industrial society; on the ground that the said petitioners are the Directors of the Society. Recovery proceedings were initiated for recovery, of the defaulted loan amounts, availed from the 6th respondent in W.P. (C).12980 of 2014, the Kerala Khadi and Village Industries Board. The properties having been brought to auction as provided under the RR Act, the same was submitted to bought-in-land proceedings under Section 50(2) of the Act. Admittedly the land was purchased in favour of the Government, for Re. 1/-, as provided in the RR Act. connected cases.

2. A Division Bench of this Court in District Collector, Alleppey and Others Vs. Subaida Beevi and Another, held that, though Section 50(2)(i) of the RR Act is applicable for recovery with respect to institutions covered under Section 71; the

bought-in-land proceedings have to be concluded in favour of the concerned institution and not in favour of the Government. The bought-in-land proceedings, which is the subject matter of the present writ proceedings, having been made in favour of the Government, the same is in violation of the declaration of law made by the Division Bench of this Court.

3. It is also submitted that, the petitioner-Society has now satisfied the entire liability to the 6th respondent. The 6th respondent, represented herein by counsel, admits to the same.

4. In the above circumstances, the bought-in-land proceedings initiated on 05.06.2009 would stand set aside and W.P. (C). No. 12980 of 2014, consequently, would stand allowed.

5. W.P. (C). No. 4502 of 2013 also challenges the recovery initiated against the Society and the bought-in-land proceedings. The said writ petition, on the basis of the findings connected cases rendered in the writ petition filed by the Society, would also stand allowed.

6. W.P. (C). No. 28316 of 2012 was filed challenging the distress on the personal properties of the petitioners therein. The dues, based on which such distress has been initiated, having been settled, W.P. (C). Nos. 28316 of 2012 also would stand allowed. In the circumstance of the revenue recovery proceedings initiated against the petitioner-Society having been set aside on satisfaction of the dues, no proceedings would survive against the property of the petitioners in W.P. (C). Nos. 28316 of 2012 also.

7. The concerned authority shall take immediate steps to re-convey the property, at any rate, within three months from the date of receipt of a certified copy of this judgment.

Writ petitions are allowed. Parties are directed to suffer their respective costs.