

(2017) 08 KL CK 0026
In the High Court Of Kerala
Case No : 27287 of 2017 (I)

SHANKAR P.A

APPELLANT

Vs

THE DISTRICT COLLECTOR

RESPONDENT

Date of Decision : 23-08-2017

Acts Referred:

Citation : (2017) 08 KL CK 0026

Hon'ble Judges : Shaji P.Chaly

Bench : SINGLE BENCH

Advocate : M.R.VENUGOPAL, DHANYA P.ASHOKAN

Final Decision : Disposed

Judgement

1. Petitioner is the son of a person who had abkari business. However, on 24.3.1998 petitioner's father executed sale deeds as per Ext.P1 and P2 in favour of the petitioner transferring 15 cents of property, where he is now living with his mother. Petitioner's father died in December, 2016. Now, petitioner is served with Ext.P3 notice for sale of her properties covered by Exts.P1 and P2 in order to recover the alleged dues from his father. It is also submitted that, on verification of the record, petitioner has come across Ext.P3 notice of attachment dated 8.3.1999, by which, properties in Exts..P1 and P2 was also attached towards the abkari dues. The grievance highlighted by the petitioner in this writ petition is that statutory protection provided under Section 44 of the Kerala Revenue Recovery Act

is not even provided to the petitioner. Thereupon, petitioner seeks appropriate direction enabling the petitioner to file a suitable objection to the issue in question and contest the proceedings

2. Having regard to the facts and circumstances of the case and hearing respective counsel, petitioner is permitted to submit a representation within two weeks from the date of receipt of a copy of this judgment before the second respondent, who will consider the said objection in accordance with law and attain finality within six weeks from the date of receipt of the said objection. In the fitness and fairness of things I think it is only proper that a direction is issued in respect of the coercive action by selling the property. Therefore, there will be a direction to the second respondent to keep the proceedings of sale pertaining to Ext.P3 in abeyance, till such time a decision is taken as directed above.

Writ petition is disposed of accordingly.