

**Khayas M Rasheed, vs the District Collector,**

**Khayas M Rasheed, vs the District Collector,**

**SooperKanoon Citation :** [sooperkanoon.com/1282152](http://sooperkanoon.com/1282152)

**Court :** Kerala

**Decided On :** Apr-08-2025

**Judge :** Honourable Mr.Justice Mohammed Nias C.P.

**Appeal No. :** WP(C)/4107/2017

**Appellant :** Khayas M Rasheed,

**Respondent :** The District Collector,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.  
TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947  
PETITIONERS: 1 KHAYAS M RASHEED, S/O.RASHEED ALI,AGED 41  
YEARS, RESIDING AT MAMASRAYI ILLATH HOUSE, AYSHA  
MANZIL,AISWARYA GARDENS,P.O. ELTHURUTHU,THRISSUR-  
680611. 2 SHAFEER ALI, S/O.ABDUL HAMEED,AGED 50  
YEARS,RESIDING AT KUNNATHUPADIKKAL,PAINOOR  
DESOM,ELTHURUTHU VILLAGE,VALAPPAD.P.O,KODUNGALLUR.  
BY ADV MILLU DANDAPANI RESPONDENTS: 1 THE DISTRICT  
COLLECTOR, PALAKKAD-678001. 2 THE TAHSILDAR REVENUE  
RECOVERY, CHITTER,PALAKKAD-678101. 3 KULANTHAIVEL.M.,

S/O.KALIYAPPA GOUNDER,NEELIPPARA, GOVINDAPURAM,  
MUTHALAMADU(PRESENTLY RESIDING AT  
BHAKTHAGIRI,NANJAMPETTI.P.O, POLLACHI,TAMIL NADU-642001).

4 ADDL.R4. MR. RAFEEQ, THE ASSISTANT COMMISSIONER OF  
STATE TAX, TAX PAYER SERVICES CIRCLE, PALAKKAD (EAST),  
STATE GOODS & SERVICES DEPARTMENT, PALAKKAD - 678001 (IS  
IMPLEADED AS PER ORDER DATED 22-12-2023 IN WPC BY ADVS.  
SMT.SURYA BINOY - GOVERNMENT PLEADER MEERA V.MENON  
MAHESH V.MENON PUBLIC PROSECUTOR THIS WRIT PETITION  
(CIVIL) HAVING COME UP FOR ADMISSION ON 08.04.2025, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:  
MOHAMMED NIAS C.P., J ===== W.P(C) No.  
4107 of 2017 ===== Dated this the 8th day of  
April, 2025

## **JUDGMENT**

The petitioners challenge the recovery proceedings initiated by respondents 1 and 2 to realise the dues payable by the third respondent, from whom the petitioners purchased the property.

2. It is submitted by the learned Counsel for the petitioners that

availing the amnesty scheme, the petitioners paid up the dues with respect to the property and seek liberty to proceed against the 3 rd respondent for recovery of the same. Liberty is granted. The writ petition is disposed of, without prejudice to the right of the petitioners to proceed against the 3 rd respondent, in accordance with law. In case the petitioners institute appropriate proceedings within a month from today, the time spent from 01.02.2017 till today shall be excluded for the purpose of computing the period of limitation. Sd/- MOHAMMED NIAS C.P.  
JUDGE LU APPENDIX OF WP(C) 4107/2017 PETITIONER EXHIBITS : EXHIBIT  
P1 TRUE COPY OF SALE DEED NO.1394/2012 DATED 18.4.2012 OF SUB  
REGISTRY OFFICE,KOLLENGODE. EXHIBIT P2 TRUE COPY OF SALE DEED  
BEARING NO.1395/2012 DATED 18.4.2012 OF SUB REGISTRY

OFFICE,KOLLENGODE EXHIBIT P3 TRUE COPY OF TAX RECEIPT,F NO.6366916 DATED 14.5.2012 ISSUED BY THE VILLAGE OFFICER,MUTHALAMADU,TO THE PETITIONERS AND ANOTHER EXHIBIT P4 TRUE COPY OF POSSESSION CERTIFICATE NO.1906/12 DATED 14.5.2012,ISSUED BY THE VILLAGE OFFICER,MUTHALAMADU TO THE PETITIONERS AND ANOTHER EXHIBIT P5 TRUE COPY OF ENCUMBRANCE CERTIFICATE DATED 29.2.2012 FOR THE PERIOD,1.1.1995 OF 27.2.2015 COVERED UNDER EXHIBIT P1 DOCUMENT EXHIBIT P6 TRUE COPY OF ENCUMBRANCE CERTIFICATE DATED

29.2.2012 FOR THE PERIOD STARTING FROM 1.1.1995 TO 27.2.2012 FOR THE PROPERTY COVERED UNDER EXHIBIT P2 DOCUMENT

EXHIBIT P7 TRUE COPY OF NOTICE NO.1-2012/31189/601 DATED 26.3.2013 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS AS WELL AS 3RD RESPONDENT EXHIBIT P8 TRUE COPY OF COUNTER AFFIDAVIT DATED 18.4.2013 FILED BY THE 1ST PETITIONER BEFORE 2ND RESPONDENT EXHIBIT P9 TRUE COPY OF JOINT STATEMENT FILED BY THE PETITIONERS, DATED 15.5.2013 BEOFORE 2ND RESPONDENT EXHIBIT P10 TRUE COPY OF STATEMENT FILED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT DATED 24.4.2013 EXHIBIT P11 TRUE COPY OF NOTICE DATED 5.12.2016 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS EXHIBIT P12 TRUE COPY OF REPLY DATED 24.12.2016 FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT EXHIBIT P13 TRUE COPY OF NOTICE NO.R1-3118/12 DATED 26.12.2016 OF THE 2ND RESPONDENT ISSUED TO THE PETITIONERS EXHIBIT P14 TRUE COPY OF NOTICE UNDER RIGHT TO

INFORMATION ACT, ISSUED UNDER FORM 1 FOR AN AMOUNT OF RS.3,25,817/- FROM THE OFFICE OF THE 2ND RESPONDENT EXHIBIT P14(A) TRUE COPY OF NOTICE ISSUED UNDER FORM 10,SHOWING DEMAND PRIOR TO ATTACHMENT OF SALE DEPICTED FROM THE OFFICE OF 2ND RESPONDENT EXHIBIT P15 TRUE COPY OF NOTICE ISSUED UNDER SECTION 7 IN FORM NO.1 FOR AN AMOUNT OF RS.1,60,483/-

TOWARDS ARREARS PAYABLE FROM THE OFFICE OF THE 2ND RESPONDENT

EXHIBIT P15(A) TRUE COPY OF FORM NO.10(DEMAND PRIOR TO ATTACHMENT OF LAND),ISSUED FROM THE OFFICE OF 2ND RESPONDENT, DATED 27.8.2013 EXHIBIT P16 TRUE COPY OF NOTICE IN FORM 1 FOR AN AMOUNT OF RS.3,73,772/-ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT, DATED 27.8.2013 EXHIBIT P16(A) TRUE COPY OF FORM NO.10(DEMAND PRIOR TO ATTACHMENT OF LAND), ISSUED FROM THE OFFICE OF 2ND RESPONDENT, DATED 27.8.2013. RESPONDENT EXHIBITS : EXHIBIT R1(A) TRUE COPY OF THE REQUISITION FOR RECOVERY OF AMOUNT (FORM-24). EXHIBIT R1(B) TRUE COPY OF THE NOTICE UNDER SECTION 25(1) OF KVT ACT ISSUED BY THE COMMERCIAL TAX OFFICER DATED 05.10.2010. // True Copy // PA To Judge

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