

**Sureshkumar, vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1614208](https://sooperkanoon.com/1614208)

**Court :** Kerala

**Decided On :** Dec-07-2021

**Judge :** Honourable Mr. Justice Devan Ramachandran

**Appeal No. :** WP(C)/5689/2020

**Appellant :** Sureshkumar,

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 7TH DAY OF DECEMBER 2021 / 16TH AGRAHAYANA, 1943 PETITIONERS: 1 SURESHKUMAR, AGED 51 YEARS S/O.SUNDARESAN PILLAI, AMRUTHALAYAM HOUSE, CHAVARA VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT. 2 LEKHA SURESH, AGED 43 YEARS W/O.SURESHKUMAR, AMRUTHALAYAM HOUSE, CHAVARA VILLAGE, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT. BY ADVS. V.MADHUSUDHANAN SRI.M.SREEBHADRAN RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001. 2

THE LAND REVENUE COMMISSIONER, LAND REVENUE COMMISSIONERATE, REVENUE COMPLEX, PUBLIC OFFICE BUILDING, MUSEUM, THIRUVANANTHAPURAM-695033.

3 THE DISTRICT COLLECTOR, KOLLAM-691013. 4 THE REVENUE DIVISIONAL OFFICER, KOLLAM-691013. 5 THE VILLAGE OFFICER, CHAVARA VILLAGE, KOLLAM-691583. 6 THE STATE GOODS AND SERVICE TAX OFFICER, KARUNAGAPPALLY TALUK, KOLLAM-690518. OTHER PRESENT: SRI RAFEEQ.SPL.G.P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.12.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

When this matter was called today, the learned Senior Government Pleader pointed out that even if the petitioner is granted reliefs in this writ petition, it would be of no avail because, as is evident from Ext.R3(a) produced in the counter affidavit, the property in question was sold as early as in the year 2006 and purchased by the Government under the provisions of Section 50 of the Revenue Recovery Act.

2. On hearing Sri.Rafeeq, learned Special Government Pleader

as afore, Sri.Madhusudhanan, learned counsel for the petitioner sought permission to withdraw this writ petition to approach this Court again or such other competent Authority/Court challenging Ext.R3(a). In the afore circumstances, I close this writ petition; however, reserving liberty to the petitioner to challenge Ext.R3(a), in any manner that he may choose fit; in addition to his other remedies, for which purpose, all his contentions are left open. Sd/- DEVAN RAMACHANDRAN JUDGE rp APPENDIX OF WP(C) 5689/2020 PETITIONER EXHIBITS EXHIBIT P2 TRUE COPY OF THE SALE DEED DATED 14.02.2001 AND REGISTERED BEFORE THE SUB REGISTRAR OFFICE, CHAVARA. EXHIBIT P3 TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY THE SUB REGISTRAR OFFICE, CHAVARA FOR THE PERIOD FROM

01.01.1998 TO 05.12.2012. EXHIBIT P4 TRUE COPY OF THE LETTER NO.2143616/1999-2000 DATED 04.05.2016 ISSUED BY THE 6TH RESPONDENT TO THE 5TH RESPONDENT. EXHIBIT P5 TRUE COPY OF THE PETITION FILED BY SMT.VIJAYAKUMARI BEFORE THE 3RD RESPONDENT ON 20.01.2017. EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 10.06.2016 SUBMITTED BY THE PETITIONERS BEFORE THE 5TH RESPONDENT. EXHIBIT P7 TRUE COPY OF THE PROCEEDINGS OF SALE CONFIRMATION ISSUED BY THE 4TH RESPONDENT. EXHIBIT P8 TRUE COPY OF THE REPRESENTATION DATED 04.11.2019 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT. EXHIBIT P9 TRUE COPY OF THE CERTIFICATE ISSUED BY THE 6TH RESPONDENT ON 19.11.2019. EXHIBIT P10 TRUE COPY OF THE JUDGMENT DATED 25.11.2019 OF THIS HON'BLE COURT IN WP(C)NO.31730/2019. EXHIBIT P11 TRUE COPY OF THE ORDER DATED 24.12.2019 ISSUED BY THE 3RD RESPONDENT. EXHIBIT P12 TRUE COPY OF THE PETITION DATED 05.01.2020 FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT. EXHIBIT P13 TRUE COPY OF THE PETITION DATED 17.01.2020 FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT. RESPONDENT'S EXHIBITS:

ANNEXURE R3(A) (STATEMENT BY THE SENIOR GOVERNMENT TRUE COPY OF THE GO.NO.181/2013/REV DATED 03.05.2013. PLEADER)

ANNEXURE R3(A) (COUNTER A TRUE COPY OF THE ORDER F-5648/6/D.DIS DATED AFFIDAVIT BY THE 10.08.2006. GOVERNMENT PLEADER)  
ANNEXURE R3(B) A TRUE COPY OF GO(MS)NO.181/2013/REV DT.03.05.2013. ANNEXURE R3(C) A TRUE COPY OF THE APPELLATE ORDER DAED 16.04.2015 PASSED BY THE DEPUTY COMMISSIONER (APPEALS), COMMERCIAL TAXES, KOLLAM IN STA NO.459/2013. ANNEXURE R3(D) A TRUE COPY OF THE CONSEQUENT ORDER PASSED BY THE COMMERCIAL TAX OFFICER, KARUNAGAPPALLY ON 04.06.2015.

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