

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

R.P.No.803 of 2014 (H)

(WP(C) 27880/2012).

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PETITIONER/IIIRD PARTY:

**HINDU VANITHA SANGHAM,
A SOCIETY REGISTERED UNDER THE TRAVANCORE-
COCHIN LITERARY,SCIENTIFIC AND CHARITABLE SOCIETIES
REGISTRATATION ACT,1955 HAVING REG.NO.(14/1956)67/1985
REPRESENTED BY ITS SECRETARY SUSHAMA,AGED 64 YEARS,
D/O.SAROJINI,RESIDING AT PRIYANKA,MANIKANTESWARAM P.O.,
THIRUVANANTHAPURAM,PIN-695013.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.SABU GEORGE**

RESPONDENTS/PETITIONER AND RESPONDENTS IN WPC:

- 1. HINDU VANITHA SANGHAM,REG.NO.T.14/1956,
VAZHUTHACAUD,THIRUVANANTHAPURAM,
PIN-695017,REPRESENTED BY ITS PRESIDENT,
SMT.MANNADI PONNAMMA
(STATUS AND COMPETENCE OF SMT.MANNADI PONNAMMA TO
REPRESENT THE SANGHAM IS DISPUTED BY THE PETITIONER)**
- 2. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,PIN-695001.**
- 3. THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (U) DEPARTMENT,
GOVERNMENT SECRETARIAT
PIN-695001.**
- 4. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM-695001.**
- 5. THE ADDITIONAL TAHSILDAR,
THIRUVANANTHAPURAM-695001.**

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- 6. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695001.**

R1 BY ADV.SRI.D.SAJEEV

R2 TO R6 BY SPECIAL GOVT. PLEADER SMT.SUSHEELA BHATT.

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 25-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

pk

A.M.SHAFIQUE, J

R.P.No.803 of 2014
in W.P.C.No.27880 of 2012

Dated this the 25th day of March 2015

ORDER

This review petition has been filed by the petitioner in W.P.C.No.27880 of 2012 represented by its Secretary Smt.Sushama alleging that the writ petitioner, who again is the Sangham represented by its President, had no authority to file the writ petition. It is contended that the Sangham represented by its Secretary had filed another writ petition as W.P.C.No.28999/2012 seeking the very same relief, i.e. challenging the Government Order dated 30/04/2012 by which a decision was taken to take over possession of the land in the possession of the petitioner Sangham and to recover the lease dues amounting to Rs.42 lakhs upto 2004.

2. Learned counsel for the review petitioner points out that all along the Sangham was represented by its Secretary Smt.Sushama and she was never removed from

the said office. That apart, Smt.Mannadi Ponnamma, who claims to be the President of the Sangham was not even a member of the Sangham nor was never elected as the President of the Sangham. This fact is disputed by the respondent/writ petitioner inter alia contending that in a decision taken by the General Body, Smt.Mannadi Ponnamma has been elected as the President.

3. It is therefore clear that there is a dispute between the parties relating to the capacity of Smt.Sushama as well as Smt.Mannadi Ponnamma to represent the Sangham. The fact remains that two writ petitions were filed, one (W.P.C.No.28999/2012) by the Secretary of the Sangham and the other (W.P.C.No.27880/2012) by Smt.Mannadi Ponnamma as the President of the Sangham. W.P.C.No.27880/2012 came up for hearing along with another writ petition and was disposed of quashing the impugned order and directing the Government to reconsider the same after hearing the affected parties. Direction was

also issued to deposit an amount of Rs.10 lakhs towards arrears of rent. It is pointed out by the learned counsel for the petitioner that the said amount has already been deposited and the matter is pending before the Government.

4. The facts being so, I am of the view that since the relief sought for in W.P.C.No.28999/2012 is also for quashing the Government Order dated 30/04/2012 (Ext.P25 in W.P.C.No.27880/2012) and the order has already been quashed, there is no necessity to review the judgment, as such. However, as far as the rival claim regarding as to who should represent the Sangham is concerned, it is for the parties to agitate their rights before the appropriate forum or the Court as the case may be. As far as the Government is concerned, it is made clear that while complying with the directions issued by this Court in judgment dated 02/04/2014 in W.P.C.No.27880/2012, notice has to be issued to Smt.Sushama, who claims to be the Secretary of the Sangham as well as to Smt.Mannadi Ponnamma, who claims

to be the President of the Sangham and both of them have
to be heard in the matter.

With the above clarification, the review petition is
closed.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

R.P.No.803/2014 in
W.P.C.No.27880/2012