

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 24038 of 2012 (D)

PETITIONER(S):

1. NARAYANI GOWRI
KALLUMPURATHU VEEDU
KOTTAPURATHU CHERI
KOTTAPURAM VILLAGE, PARAVOOR.
2. G.SUSEELA, AGED 67 YEARS
RESIDING AT NANDAVANAM
ROSE GARDEN-209
KOCHULLOOR, MEDICAL COLLEGE.P.O.
TRIVANDRUM.
3. P.DIVYA RAJAN, AGED 66 YEARS
RESIDING AT PRASANTH NIVAS
T.C.76/1590, MNRA-69B
KADAKAMPPALLY LANE
ANAYARA.P.O., THIRUVANANTHAPURAM.
4. P.SUDHARMINI, AGED 65 YEARS
RESIDING AT KALLAWPURAM
KOTTAPPURAM, PARAVOOR.P.O.
KOLLAM.
5. G.SUSHAMA, AGED 63 YEARS
RESIDING AT "SREYAS"
ULLOOR BHASI NAGAR, KOCHULLOOR
MEDICAL COLLEGE.P.O.
THIRUVANANTHAPURAM.
6. P.SURESH KUMAR
AGED 60YEARS
"KARTHIKA", MWRA-143A
MANDC ROAD, MUNDAKAL WEST
KOLLAM.
7. G.SUCHITHRA
AGED 54 YEARS
"CHITHRAM", KOTTAPPURAM
PARAVOOR.P.O., KOLLAM.

8. P.SUNIL, AGED 51 YEARS
RESIDING AT KALLAMPURATH VEEDU
KOTTAPPURAM.P.O.
PARAVOOR.P.O., KOLLAM.

ARE IMPEADED AS ADDITIONAL PETITIONERS 2 TO 8 AS PER ORDER
DATED 2.7.15 IN I.A.8674/13.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENT(S):

1. REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER
CIVIL STATION, KOLLAM, PIN 691 001.
2. THE THAHSILDAR, TALUK OFFICE,
KOLLAM, PIN 691 001.
3. PARVATHY PADMAVATHY
BALAKRISHNAPURATHU VEEDU, MEENADU CHERI
MEENADU VILLAGE, PIN 691121.
4. DISTRICT COLLECTOR
COLLECTORATE (CIVIL STATION), KOLLAM, PIN 691001.

R3 BY ADV. SRI.B.KRISHNA MANI
R1,R2 & 4 BY ADV. GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER OF THE HON'BLE COURT SPECIAL
LEAVE TO APPEAL NO.14938/2011 DATED 5.7.2011.

EXT.P2: TRUE COPY OF THE COMMUNICATION OF THE VILLAGE
OFFICER TO THE THASILDAR.

EXT.P3: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO
THE THAHSILDAR ON 14.6.2011.

EXT.P4: TRUE COPY OF THE A FORM DATED 5.7.2011 ISSUED BY THE
THAHSILDAR.

EXT.P5: TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.27659/2011
DATED 19.10.2011 OF THIS HON'BLE COURT.

EXT.P6: TRUE COPY OF THE ORDER PASSED BY THE REVENUE
DIVISIONAL OFFICER.

EXT.P7: TRUE COPY OF THE REVISION PETITION FILED BY THE
PETITIONER BEFORE THE DISTRICT COLLECTOR DATED
3.12.2011.

EXT.P8: TRUE COPY OF THE ORDER OF THE DISTRICT COLLECTOR
DATED 16.7.2012.

EXT.P9 : TRUE COPY OF THE ORDER OF THIS HON'BLE SUPREME
COURT DATED 18.11.2014.

EXT.P9(a) : TRUE COPY OF THE TERMS OF SETTLEMENT.

//TRUE COPY//

PA TO JUDGE

K.T.SANKARAN, J.

W.P.(C) No.24038 of 2012

Dated this the 5th day of February, 2015

JUDGMENT

The case of the petitioners as stated in the Writ Petition is the following :

2. An extent of 47.5 cents of land in Survey No.259/2 of Kottappuram Village, Paravoor, was allotted to the first petitioner (Narayani Gowri) and her family. As per the partition deed, the third respondent (Parvathy Padmavathy) was directed to keep the property as a trustee for discharging certain payments in connection with redeeming certain other properties belonging to the tharawad. The first petitioner filed a suit against the third respondent for some reliefs in respect of the

property. That suit was dismissed on the ground of limitation. The first petitioner filed an appeal challenging the judgment and decree of the trial court. The appellate court held that the suit is not barred by limitation, but on other grounds, the suit was dismissed. The first petitioner filed a Second Appeal before the High Court. In Second Appeal, this Court found that the trial court as well as the lower appellate court erred in not properly considering the contentions in suit. It was held that the suit was not maintainable. The first petitioner challenged the judgment and decree of the High Court before the Supreme Court by filing S.L.P.No.14938 of 2011 before the Supreme Court. While the matter was pending before the Supreme Court, the parties settled their disputes and differences before the Mediation Centre in the Supreme Court. As per the terms of the mediated settlement, the first petitioner had to pay a sum of

₹50 lakhs to respondent No.3 in full and final settlement of all the disputes between the parties in respect of the subject matter. On receipt of the amount, the third respondent has to deliver to the petitioners (the first petitioner having died and her legal representatives having got themselves impleaded) vacant and peaceful possession of the aforesaid extent of 47.5 cents of land. It was also agreed that the third respondent acknowledged the exclusive title of the property in favour of the petitioners and the third respondent gave up all her claims in respect of the property. It was also agreed that the third respondent would co-operate with the petitioners in completing all procedures before the competent statutory revenue authorities with respect to the property in dispute. The parties also agreed to withdraw all the pending litigations before various courts.

3. Meanwhile, after the disposal of the Second Appeal, the third respondent approached the Tahsildar (second respondent) for mutation of the entries in the revenue records in respect of the property to her name. Various orders were passed by the revenue authorities. It is stated that mutation was changed in the name of the third respondent on the day when the Supreme Court passed an order of status quo. The parties fought their case before the revenue authorities which ultimately resulted in Exhibit P6 order dated 9.12.2011 (No.J-10895/2011) passed by the Revenue Divisional Officer and Exhibit P8 order dated 16.7.2012 (No.L4-3669/12) passed by the District Collector, Kollam. Exhibits P6 and P8 are under challenge in this Writ Petition. In view of the settlement of the dispute between the parties before the Mediation Centre in the Supreme Court, the revenue authorities are bound by the said

proceedings.

4. Accordingly, there will be a direction to the second respondent to change the mutation in the name of Narayani Gowri and since she is dead in the name of her legal representatives who are petitioners 2 to 8 in the Writ Petition.

The Writ Petition is allowed as above.

**K.T.SANKARAN
JUDGE**

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