

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 26965 of 2015 (U)  
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PETITIONER :

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CHOVVA EDUCATIONAL SOCIETY,  
REP BY ITS SECRETARY SRI.RAVEENDRAN T.K.,  
S/O.KUNHAMBU (LATE),AGED 70 YEARS,  
CHOVVA EDUCATIONAL SOCIETY,  
COVVA P.O., KANNUR-6.

BY ADVS.SRI.K.V.PAVITHRAN  
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL  
SRI.NIAS MOOPAN  
SRI. NIYAN

RESPONDENT(S):

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1. C.V. NITHYANANDAN,  
S/O.C.V.APPA (LATE), AGED ABOUT 75 YEARS,  
PENSIONER, AMMU NIVAS,  
NO.98, P.O.THANA, KANNUR. PIN-670 002
2. C.V.SUGUNABAI,  
D/O.C.V.APPA (LATE),AGED ABOUT 73 YEARS,  
AMMU NIVAS, NO OCCUPATION,  
NO.98, P.O.THANA, KANNUR. PIN-670 002
3. C.V.VASANTHA P.V.,  
D/O.C.V.APPA (LATE), AGED ABOUT 70 YEARS,  
AMMU NIVAS, NO OCCUPATION,  
NO.98, P.O.THANA, KANNUR. PIN-670 002
4. C.V.SUDEVAN,  
S/O.C.V.APPA (LATE), AGED ABOUT 68 YEARS,  
ARCHITECT, AMMU NIVAS,  
NO.98, P.O.THANA, KANNUR. PIN-670 002
5. C.V.SATHYAPALAN,  
S/O.C.V.APPA (LATE), AGED ABOUT 66 YEARS,  
AMMU NIVAS, CONTRACTOR,  
NO.98, P.O.THANA, KANNUR. PIN-670 002
6. C.V.MANOCHARAN,  
S/O.C.V.APPA (LATE), AGED ABOUT 64 YEARS,  
AMMU NIVAS, NO OCCUPATION,  
NO.98, PO.THANA, KANNUR. PIN-670 002

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7. C.V.MANOMOHANAN,  
S/O.C.V.APPA (LATE), AGED ABOUT 62 YEARS,  
AMMU NIVAS, NO OCCUPATION,  
NO.98, P.O.THANA, KANNUR. PIN-670 002
8. SECRETARY,  
DIOCESE PROPERTY COMMITTEE, DIOCESE OF CSI,  
NORTH KERALA, KOZHIKODE. PIN-693 001
9. THE TAHASILDAR,  
KUTHUPARAMBA LAND TRIBUNAL P.O.,  
KUTHUPARAMBA. PIN-670 607

R1 TO R7 BY ADV. SRI.T.PRAVEEN  
R8 BY SRI.N.N.SUGUNAPALAN,SENIOR ADVOCATE  
ADV. SRI.S.SUJIN  
R9 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 11-11-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

sts

WP(C).No. 26965 of 2015 (U)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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**EXHIBIT-P1: TRUE COPY OF THE BYLAW OF THE PETITIONER SOCIETY.**

**EXHIBIT-P2: TRUE COPY OF THE RELEASE DEED NUMBER 2126/1950 IN FAVOUR OF APPA ENGINEER.**

**EXHIBIT-P3: TRUE COPY OF J FORM SUBMITTED BEFORE THE EDAKKAD LAND TRIBUNAL BY APPA ENGINEER.**

**EXHIBIT-P4: TRUE COPY OF THE ORDER OF EDAKKAD LAND TRIBUNAL MADE IN SMP 386/1973.**

**EXHIBIT-P4(A): LEGIBLE COPY OF THE ORDER OF EDAKKAD LAND TRIBUNAL MADE IN SMP 386/1973.**

**EXHIBIT-P5: TRUE COPY OF THE ORDER OF EDAKKAD LAND TRIBUNAL MADE IN SMP 386/1973.**

**EXHIBIT-P6: REPORT OF THE SPECIAL REVENUE INSPECTOR OF THE LAND TRIBUNAL KUTHUPARAMBA.**

**RESPONDENT(S)' EXHIBITS:**

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**NIL**

**/TRUE COPY/**

**P.S.TO JUDGE**

**sts**

**A.MUHAMED MUSTAQUE, J.**

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**W.P(C)No. 26965 of 2015**  
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**Dated this the 11<sup>th</sup> day of November, 2015**

**J U D G M E N T**

Petitioner is an educational society. According to the petitioner, they have been issued with Ext.P5 Purchase Certificate in respect of 1.28 acres of land covered by Ext.P2 document. Petitioner submits that in respect of the same land, SMP (proceedings) have been initiated to issue patta to respondents 1 to 7. The petitioner, in fact, raised a question of identity of the property claimed by them. Therefore, this Court is of the view that before proceeding further, the Land Tribunal shall verify whether SMP No.1072/2012 is in relation to the property covered by Ext.P5 purchase certificate. It is only after getting the above, further proceedings can be initiated.

This writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,**  
Judge

MBS/

WP(C).NO.

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