IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2020 / 26TH AGRAHAYANA, 1942

RP.No.317 OF 2020 IN WP(C). 30040/2019

AGAINST THE JUDGMENT IN WP(C) 30040/2019(D) OF HIGH COURT OF KERALA

REVIEW PETITIONER/4TH RESPONDENT:

SAINABA
AGED 59 YEARS
W/O MUHAMMED HAJI,
KOLLERI, COLONY ROAD, BAITHUL SAINAB HOUSE,
VALUVINPURAYIL, KAKKOV, VAZHAYOOR.P.O,
MALAPPURAM DISTRICT,PIN-673 633

BY ADV. SRI.LAVARAJ M.G.

RESPONDENTS/RESPONDENTS & PETITIONER:

1 **THE DISTRICT COLLECTOR,**
CIVIL STATION, COLLECTORATE, UPHILL,
MALAPPURAM, PIN-676 505.

2 **THE TAHSILDAR,**
KONDOTTY TALUK,
MALAPPURAM DISTRICT, PIN-673 648

3 **THE TAHSILDAR (LAND RECORDS)**
KONDOTTY TALUK
MALAPPURAM DISTRICT-PIN-673 648

4 **PANAKKAL KADEEJA, AGED 46 YEARS**
W/O K.ABBAS
PEEDIKATHADATHIL HOUSE
KAKKOV, VAZHAYOOR.P.O
VAZHAYOOR.P.O, MALAPPURAM DISTRICT-673 633

ADV. SRI.S GOPINATHAN SR GP

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 17.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 17th day of December 2020

The review petition is filed by the 4th respondent. Though notice was served on the 4th respondent, there was no appearance for her.

2. The learned counsel for the review petitioner submits that though he has filed vakalth, it was not shown.

3. This Court disposed of the case by directing the Revenue Authority to issue ROR to the petitioner based on possession and boundaries of the property in the light of the Tahsildar's report. In the title deed of the petitioner, extent was shown as three cents. But the actual extent of the property is five cents. The Court is of the view that when there is a dispute regarding the extent in boundary, the boundary will prevail and ROR has to be issued accordingly.

4. The review petitioner submits that the petitioner is not entitled for the entire extent of land and the petitioner cannot claim the same without any title deed. The review petitioner, in fact, instituted a suit as O.S.No.258/2019 on the file of Munsiff's Court, Parappanangadi seeking a declaration of her title over the two cents. That suit is pending.

5. This Court is of the view that the review petitioner's right can be protected without reviewing the judgment. ROR was directed to be issued only on the strength of Tahsildar's report. It cannot be construed as acknowledgment of right, possession, interest over such land. It is for the civil court to decide the dispute. The review petitioner is also free to seek any interim relief before the civil court. The judgment passed by this Court referring to the Tahsildar's report is only for the purpose of issuing ROR and not by acknowledging title, interest of the writ petitioner over the land. Accordingly, the review petition is disposed of clarifying the judgment as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

SAS/17/12/2020

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1	**CERTIFIED COPY OF THE JUDGMENT DATED 16.01.2020 IN W.P.(C) NO.30040/2019 OF THIS HON'BLE COURT**
ANNEXURE A2	**TRUE COPY OF PROCEEDINGS BEFORE 2ND RESPONDENT DATED 16.02.2018**
ANNEXURE A3	**TRUE COPY OF O.S.NO.258/2019 OF THE HON'BLE MUNSIFF COURT, PARAPPANANGADI**
ANNEXURE A4	**TRUE COPY OF COMMISSION REPORT IN I.A.1979/2019 IN O.S. NO.258/2019 OF THE HON'BLE MUNSIFF COURT, PARAPPANANGADI**
RESPONDENTS' EXHIBITS:	**NIL**

//TRUE COPY//
P.A. TO JUDGE