IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

RP NO. 510 OF 2025

ARISING FROM THE JUDGMENT DATED 01.04.2025 IN WP(C)NO.6502 OF 2025 OF HIGH COURT OF KERALA

REVIEW PETITIONER/7th RESPONDENT:

**THE KARTHIKAPPALLY BRAHMANA SAMOOHAM
REPRESENTED BY IT'S PRESIDENT ADV. S. KRISHNAMOORTHY,
AMPANAT MADOM, MAHADEVIKAD P.O, KARTHIKAPPALLY VILLAGE,
ALAPPUZHA- 690 516, NOW RESIDING AT AMPANAT 39/468,
MONASTERY ROAD, KARIKKAMURY, KOCHI,
ERNAKULAM DISTRICT, PIN - 682011**

BY ADV SNEHA ROSE

RESPONDENTS/PETITIONER/RESPONDENT NOS.1 TO 6 AND 8 TO 10:

1 **JOYTHISH .S
AGED 42 YEARS
PUTHENPARAMBIL, VALIYAKULANGARA SOUTH, MAHADEVIKAD P.O,
KARTHIKAPPALLY VILLAGE, KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT., PIN - 690516**

2 **STATE OF KERALA
REPRESENTED BY IT'S SECRETARY TO GOVERNMENT, REVENUE
(DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001**

3 **TRAVANCORE DEVASWOM BOARD
REPRESENTED BY THE SECRETARY OFFICE OF THE TRAVANCORE
DEVASWOM BOARD DEVASWOM BUILDINGS, NANDHANCODE,
THIRUVANANTHAPURAM., PIN - 695001**

4 **THE COMMISSIONER OF DEVASWOM**

OFFICE OF THE TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANDHANCODE, THIRUVANANTHAPURAM., PIN - 695003

**5 THE SPECIAL TAHSILDAR (LAND CONSERVANCY UNIT)
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANDHANCODE, THIRUVANANTHAPURAM, PIN - 695003**

**6 THE ASSISTANT COMMISSIONER OF DEVASWOM
TRAVANCORE DEVASWOM BOARD, HARIPAD GROUP, HARIPAD P.O, ALAPPUZHA DISTRICT., PIN - 690514**

**7 ADV.S. KRISHNAMOORTHY
AMPANAT MADOM, MAHADEVIKAD P.O, KARTHIKAPPALLY VILLAGE, ALAPPUZHA-690 516, NOW RESIDING AT AMPANAT 39/468, MONASTERY ROAD, KARIKKAMURY, KOCHI, ERNAKULAM DISTRICT., PIN - 682011**

**8 TAHSILDAR
KARTHIKAPPALLY TALUK, ALAPPUZHA, PIN – 690514.**

**9 THE DISTRICT SURVEY SUPERINTENDENT
CIVIL STATION, SECOND FLOOR, ALISSERY ROAD, ALAPPUZHA, PIN - 688001**

**10 THE DIRECTOR OF ARCHIVES
DIRECTORATE OF STATE ARCHIVES, NALANDA, THIRUVANANTHAPURAM, PIN – 695003**

**OTHER PRESENT:
ADV. SRI.N.K.KARNIS
SRI.G.BIJU, SC, TDB,
SRI.S.RAJMOHAN, SR. GOVT. PLEADER**

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON 11.04.2025 DELIVERED THE FOLLOWING:

ORDER

Anil K. Narendran, J.

The 7th respondent in W.P.(C)No.6502 of 2025 has filed this review petition invoking the provisions under Order XLVII rule 1 of the Code of Civil Procedure, 1908, seeking review of the judgment of this Court dated 01.04.2025 in that writ petition, which was one filed by the 1st respondent herein, who is a devotee of Valiyakulangara Temple, Karthikappally Taluk, Alappuzha district, which is a temple under the management of the 3rd respondent Travancore Devaswom Board, seeking a writ of mandamus commanding the 5th respondent Special Tahsildar (Land Conservancy), Travancore Devaswom Board, to initiate proceedings to collect records from the review petitioner and the 7th respondent herein for ascertaining the title and ownership of the disputed properties in Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 of Karthikapally Village, before finalising the survey as per Ext.P1 relevant extract of the settlement register. The petitioner has also sought for a writ of mandamus commanding the 5th respondent Special Tahsildar (Land Conservancy) to initiate proceedings for the measurement of the disputed properties of the deity of the Valiyakulangara Temple in

Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 as per Ext.P1 settlement register, with the aid of Litho Map or conduct joint field inspection and survey of the above disputed properties, within a time frame to be fixed by this Court; and a declaration that the 5th respondent Special Tahsildar (Land Conservancy) has no authority to decide and declare the right and title of the review petitioner or in respect of the disputed properties in Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 of Karthikappally Village.

2. On 10.03.2025, when that writ petition came up for consideration, this Court passed an interim order staying the survey proposed to be conducted by the 5th respondent Special Tahsildar (Land Conservancy), for a period of two weeks.

3. By the judgment dated 01.04.2025 W.P.(C)No.6502 of 2025 was disposed of. Paragraphs 5 and also the last paragraph of that judgment read thus;

> "5. The learned Standing Counsel for Travancore Devaswom Board, on instructions from the 4th respondent Special Tahsildar (Land Conservancy) would submit that the process of survey that has to be undertaken by the said respondent pursuant to the directions contained in Ext.P2 judgment of this Court dated 02.02.2024 in W.P.(C)No.30586 of 2023 is in respect of the entire

Devaswom land of Valiyakulangara Devi Temple, comprised in Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 of Karthikappally Village, as per Ext.P1 settlement register.

Having considered the submissions made at the Bar, this writ petition is disposed of by recording the aforesaid submission made by the learned Standing Counsel for Travancore Devaswom Board, on behalf of the 4th respondent Special Tahsildar (Land Conservancy) that the process of survey that has to be undertaken by the said respondent is in respect of the entire Devaswom land of Valiyakulangara Devi Temple, comprised in Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 of Karthikappally Village, as per Ext.P1 settlement register. Since the original survey records of the said property could not be traced out by the 9th respondent District Survey Superintendent, Alappuzha and the 10th respondent Director of Archives, we deem it appropriate to order that the survey in terms of the directions contained in Ext.P2 judgment, shall be a joint survey by the 9th respondent District Survey Superintendent along with the 4th respondent Special Tahsildar (Land Conservancy). The date of survey shall be fixed by the 9th respondent District Survey Superintendent, which shall be intimated, within a period of ten days, to the petitioners, the 5th respondent Assistant Devaswom Commissioner, Haripad Group and also respondents 6 and 7."

Seeking review of the said judgment, the petitioner, who is the 7th respondent in that writ petition, is before this Court in this review

petition.

4. We heard the arguments of the President of the petitioner Samithy, who appeared in person, who is arrayed as 7th respondent in his personal capacity, the learned counsel for the 1st respondent-writ petitioner, the learned Senior Government Pleader for the State and the official respondents and the learned Standing Counsel for Travancore Devaswom Board for the Board and its officials.

5. The 1st respondent-writ petitioner had earlier approached this Court in W.P.(C)No.30586 of 2023 seeking a writ of mandamus commanding respondents 1 to 5 to therein recover the properties of the deity of Valiyakulangara Devi Temple, comprised in Survey Nos.3752, 3755 A, B, C, 3756 A, B, 3760, 3761 A, B of Karthikappally Village, covered by Exts.P1 and P2 land tax receipts, within a time frame to be fixed by this Court; a writ of mandamus commanding the Special Tahsildar (Land Conservancy Unit), Travancore Devaswom Board, the 4th respondent therein to act on Ext.P4 representation dated 10.08.2023, in a time bound manner; and a writ of mandamus commanding the Secretary of Karthikappally Grama Panchayat, the 6th respondent therein, to keep in abeyance further proceedings pursuant to the applications

made by the 7th respondent therein for regularisation of the illegal construction of the building in the disputed property and change of ownership of the existing building in the properties under Ext.P1, till Ext.P4 complaint is finally disposed of by the Special Tahsildar (Land Conservancy). That writ petition was disposed of by the judgment dated 02.02.2024 by directing the Special Tahsildar (Land Conservancy Unit), to finalise the survey of the disputed land, with reference to the survey records, including old survey records, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of that judgment, with notice to the writ petitioner, the 7th respondent therein and also the additional 8th respondent Brahmana Samooham. In the said judgment, it was made clear that, in case the survey records of the disputed land are not available with the additional 10th respondent District Survey Superintendent, the same shall be obtained from the State Archives through the additional 11th respondent Director of Archives, based on the request to be made by the Special Tahsildar (Land Conservancy), through the additional 10th respondent District Survey Superintendent. The learned Senior Government Pleader was directed to ensure that the survey records sought for are furnished

to the Special Tahsildar (Land Conservancy) at the earliest, in order to ensure that the survey of the disputed land is completed within the time frame fixed in that judgment. Till such exercise is undertaken and completed by the Special Tahsildar (Land Conservancy), the interim order granted by this Court in paragraph 11 of the order dated 21.09.2023, including the order of *status quo* as on that date in respect of the shop rooms under construction, shall be maintained. In the said judgment dated 02.02.2024, it was made clear that this Court has not expressed anything on the merits of the rival contentions regarding the title and ownership of the disputed property and that, it is for the writ petitioner, the 7th respondent therein and also the additional 8th respondent Brahmana Samooham to place relevant materials before the Special Tahsildar (Land Conservancy), at the time of survey.

6. By the judgment sought to be reviewed, this Court ordered that since the original survey records of the property could not be traced out by the 9th respondent District Survey Superintendent, Alappuzha and the 10th respondent Director of Archives, the survey in terms of the directions contained in the judgment of this Court dated 02.02.2024 in W.P.(C)No.30586 of 2023 shall be a joint survey by the 9th respondent District Survey

Superintendent along with the 5th respondent Special Tahsildar (Land Conservancy) in respect of the entire Devaswom land of Valiyakulangara Devi Temple comprised in Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 of Karthikappally Village, as per Ext.P1 settlement register. It was ordered that the date of the survey shall be fixed by the 9th respondent District Survey Superintendent, which shall be intimated, within a period of ten days, to the writ petitioner, the 6th respondent Assistant Devaswom Commissioner, Haripad Group and also the 7th respondent herein.

7. In the judgment of this Court dated 02.02.2024 in W.P.(C)No.30586 of 2023 [Ext.P2 judgment] it was made clear that this Court has not expressed anything on the merits of the rival contentions regarding the title and ownership of the disputed property and that, it is for the writ petitioner, respondents 7 and 8 therein to place relevant materials before the Special Tahsildar (Land Conservancy), at the time of survey. Since the original survey records of the property could not be traced out by the 9th respondent District Survey Superintendent, Alappuzha and the 10th respondent Director of Archives, by the judgment sought to be reviewed, this Court ordered that the survey in terms of the

directions contained in Ext.P2 judgment of this Court dated 02.02.2024 in W.P.(C)No.30586 of 2023 shall be a joint survey by the 9th respondent District Survey Superintendent along with the 5th respondent Special Tahsildar (Land Conservancy) in respect of the entire Devaswom land of Valiyakulangara Devi Temple comprised in Survey Nos.3750, 3752, 3755 A, B, C, 3756 A, B, 3757, 3758, 3760, 3761 A, B, 3762 of Karthikappally Village, as per Ext.P1 settlement register.

8. The reference 'the entire Devaswom land of Valiyakulangara Devi Temple' in the judgment sought to be reviewed was made in the context of 'Ext.P1 settlement register', i.e., the land shown as Devaswom land 'as per Ext.P1 settlement register'. When the original survey records could not be traced out by the 9th respondent District Survey Superintendent, Alappuzha and the 10th respondent Director of Archives, the dispute can only be resolved by conducting a joint survey, as ordered in the judgment sought to be reviewed. The said judgment will, in no manner, prevent the review petitioner from substantiating its claim regarding the ownership and possession of the land by the Brahmana Samooham prior to 12th April 1922, by producing documents to substantiate that claim.

In the above circumstances, we find no error apparent on the face of the record warranting interference in the judgment sought to be reviewed, invoking the powers under Order XLVII Rule 1 of the Code of Civil Procedure, 1908. The review petition fails on the above ground, and it is accordingly dismissed; however subject to the observation contained hereinbefore.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

bkn/-

APPENDIX OF RP 510/2025

PETITIONER ANNEXURES

Annexure RA1	**TRUE COPY OF THE JUDGMENT DATED 2.2.2024 IN WPC NO.30586/2023**
Annexure RA2	**CERTIFIED COPY OF THE JUDGMENT IN WRIT PETITION NO. 6502/2025 DATED 1.4.2025**
Annexure RA3	**TRUE COPY OF THE COUNTER AFFIDAVIT DATED 18.3.2025 IN WRIT PETITION NO. 6502/2025 FILED BY THE 5TH RESPONDENT HEREIN**