



2025:KER:28903

1

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA,

1947

WP(C) NO. 7057 OF 2015

PETITIONER:

NISHA RAJESH, AGED 39 YEARS
W/O.RAJESH, MANAGING PARTNER, COIRNET,
RESIDING AT KUTTIPURATHU HOUSE, THUMPOLI P.O,
ALAPPUZHA.

BY ADV SRI.JAMES ABRAHAM (VILAYAKATTU)

RESPONDENTS:

- 1 GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, ALAPPUZHA
ALAPPUZHA - 688 505.
- 2 SMT. MANJU UDAYAN, KOCHUKALATHIL,
MUHAMMA P.O., ALAPPUZHA - 688 525
- 3 SMT. SUHARA RAFAEEK, FATHIMA MANZIL,
20/165, PALLURUTHY, COCHIN - 682 006
- 4 DISTRICT MANAGER, KERALA FINANCIAL
CORPORATION, ALAPPUZHA 688 525.

BY ADVS.
SRI.K.M.FIROZ
SMT.M.SHAJNA
SHRI.M.R.VENUGOPAL, SC, KFC
DHANYA P.ASHOKAN



2025:KER:28903

2

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

OTHER PRESENT:

SMT.RASHMI.K.M, SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 03.04.2025, ALONG WITH WP(C).15202/2024,
15860/2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



2025:KER:28903

3

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA,

1947

WP(C) NO. 15202 OF 2024

PETITIONER:

ASHA MOHANAKUMAR
AGED 51 YEARS
W/O. MOHANAKUMAR, PARTNER, COIRNET, RESIDING
AT NIRAMALYAM, ARATTUVAZHY WARD, ALAPPUZHA.,
PIN - 688007

BY ADVS.
JAMES ABRAHAM (VILAYAKATTU)
AMMU ASHOKAN

RESPONDENTS:

- 1 GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE, ALAPPUZHA., PIN -
688007
- 2 DISTRICT MANAGER
KERALA STATE FINANCIAL CORPORATION, ASAN
SMARAKA BUILDING, NEAR DISTRICT COURT,
ALAPPUZHA, PIN - 688001
- 3 MANJU UDAYAN (SOUGHT TO BE IMPLEADED)
W/O.G.UDAYAN, BUSINESS, KOCHUKALATHIL,
MUHAMMA.P.O, ALAPPUZHA (SOUGHT TO BE
IMPLEADED)



2025:KER:28903

4

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

BY ADVS.

ADV. VENUGOPAL M.R.

S. MUHAMMAD ALIKHAN (K/000644/2020)

DHANYA P.ASHOKAN (SR.) (K/001671/2000)

OTHER PRESENT:

SMT.RASHMI.K.M, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 03.04.2025, ALONG WITH WP(C).7057/2015 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2025:KER:28903

5

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA,

1947

WP(C) NO. 15860 OF 2024

PETITIONER:

M/S. KADAVIL CHEMICALS
INDUSTRIAL ESTATE, PUNNAPRA, VADAYKKAL P.O.
ALAPPUZHA, REPRESENTED BY ITS MANAGING PARTNER
SRI. KURIAN JAMES., PIN - 688003

BY ADVS.
B.PRAMOD
BIJU VIGNESWAR
ATHUL M.V.

RESPONDENTS:

- 1 THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE, VADAYKKAL P. O.
ALAPPUZHA., PIN - 688003
- 2 THE KERALA FINANCIAL CORPORATION
ALAPPUZHA BRANCH, ALAPPUZHA, REPRESENTED BY
ITS MANAGER., PIN - 688003
- 3 NISHA RAJESH
W/O. RAJESH, MANAGING PARTNER, COIRNET,
RESIDING AT KUTTIPIRATHU HOUSE, THUMPOLY P.
O., ALAPPUZHA., PIN - 688008



2025:KER:28903

6

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

BY ADVS.

ADV. VENUGOPAL M.R.

S. MUHAMMAD ALIKHAN (K/000644/2020)

DHANYA P.ASHOKAN (SR.) (K/001671/2000)

OTHER PRESENT:

SMT.RASHMI.K.M, SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 03.04.2025, ALONG WITH WP(C).7057/2015 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

JUDGMENT

Dated this the 3rd day of April, 2025

The petitioner in WP(C) No.7057 of 2015 purchased 15 cents of land in Sy.No.435/3 in Paravoor Village, Amblappuzha Taluk together with building Nos.VI/660 and VI/661 in Punnapra North Grama Panchayat on 28.09.2000. Originally, the said land was assigned by the 1st respondent to one Georgekutty K.J., who availed loan from the 4th respondent. When the loan was defaulted, the 4th respondent initiated proceedings against the said allottee and repossessed the land. On an auction, from the 4th respondent, the petitioner purchased the property by Ext.P3.

2. However, due to certain mistake occurred on the part of the 4th respondent, the entire property having an extent of 40 cents have been caused to handed over to the petitioner. While handing over the document, certain disputes were raised with respect to the boundaries with respect to allotted property. Thereafter, out of 40 cents, 20 cents of property was allotted to respondents 2 and 3 as per Ext.P5. That is on the premise that, out of the two building



WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

numbers mentioned by the petitioner, one of the buildings is situated in the other property. However, it is contended by the learned counsel for respondents 2 and 3 that it was a mistake occurred while assigning the property to the petitioner. On the strength of the mistake occurred in assigning the property while showing the boundaries of the property, the petitioner claims further 20 cents of land within the 40 cents. The said mistake has already admitted by the 4th respondent. It is also submitted by the learned Senior Counsel appearing for the 4th respondent that they have already admitted the mistake and issued notice to the petitioner to surrender the vacant possession of the said land in their possession over the 15 cents.

3. In such circumstances, it is contended by the learned Government Pleader that the District Survey Superintendent, Alappuzha had already conducted the survey to identify 15 cents of property. A statement dated 13.08.2024, by the 1st respondent was filed in WP(C) No.7057 of 2015 in this regard. However, that part is disputed by the petitioner in WP(C) No.7057 of 2015,



WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

contending that she didn't receive any intimation regarding the survey conducted and in her absence it was done.

4. In response, the learned counsel appearing for respondents 2 and 3 brought my attention to the writ petition preferred by the person in possession of 15 cents, who is Asha Mohanakumar, who preferred WP(C) No.15202 of 2024, wherein it is admitted that she is in possession and enjoyment of the property, who acknowledges the receipt of notice on behalf of the petitioner in WP(C) No.7057 of 2015.

5. On the other hand, WP(C) No.15860 of 2024 is preferred by the person, who is holding the building in the 15 cents of land, on the ground that they received an eviction notice from the 1st respondent. There is dispute with respect to two buildings in the entire 40 cents of property. Whether the buildings come within the 15 cents or not is the question.

6. Considering the facts and circumstances of the case and also considering the submissions made across the Bar, I am of the view that the entire dispute can be decided only after conducting a fresh survey of the property, after affording an opportunity of being heard to all the



WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

stakeholders.

7. Accordingly, I direct the 1st respondent to conduct a Survey afresh by taking assistance of the District Survey Superintendent, Alappuzha. The survey shall be conducted on **24.04.2025**. The 1st respondent shall take effective steps for the facilitation of such survey by the District Survey Superintendent.

8. After identifying the property, the District Survey Superintendent shall prefer a report to the 1st respondent. In the light of the said report, the 1st respondent shall take effective steps regarding the assignment of land to respondents 2 and 3, for which the petitioner in WP(C) No.7057 of 2015 will have to co-operate by surrendering the remaining land over the 15 cents purchased by her. The entire dispute shall be solved in accordance with the report obtained after the survey conducted as directed above. Dispute with respect to the buildings can be decided after conducting the survey.

9. In the aforementioned lines, all the writ petitions are disposed of. If the petitioners have any dispute regarding



2025:KER:28903

11

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

the identity of the property after the survey, they can approach the appropriate authority with appropriate applications. In the light of the report, the 1st respondent shall take appropriate measures to the assignment of the property. It is clarified that the right pertains to the petitioner in WP(C) No.7057 of 2015 is confined to only 15 cents purchased by her.

Registry shall serve a copy of this order to the District Survey Superintendent as well.

sd/-

**P.M.MANOJ
JUDGE**

das



2025:KER:28903

12

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

APPENDIX OF WP(C) 15202/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PROCEEDING NO. D-2057/91 DATED 10.4.1991 ISSUED BY THE 1ST RESPONDENT
Exhibit P2	TRUE COPY OF THE CERTIFICATE DATED 10.5.1991
Exhibit P3	TRUE COPY OF THE SALE DEED NO. 4237/2000 DATED 28.9.2000 OF SRO, ALAPPUZHA
Exhibit P4	TRUE COPY OF THE DEED OF PARTNERSHIP DATED 10.8.2007
Exhibit P5	TRUE COPY OF THE PROCEEDINGS NO. D1-7059/12 DATED 15.11.2014 ISSUED BY THE 1ST RESPONDENT
Exhibit P6	TRUE COPY OF THE ORDER DATED 6.3.2015 IN W.P. (C) NO. 7057/2015
Exhibit P7	TRUE COPY OF THE LETTER DATED 19.3.2024 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
Exhibit P8	TRUE COPY OF THE ENDORSEMENT OF 1ST RESPONDENT SHOWING IN THE PHOTOCOPY OF THE 1ST PAGE OF EXHIBIT P7
Exhibit P9	TRUE COPY OF THE NOTICE NO. DICALP/487/2021-D1(LAND) DATED 21.3.2024 ISSUED BY THE 1ST RESPONDENT
Exhibit P10	TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER ALONG WITH RECEIPT ISSUED BY THE OFFICE OF THE 1ST RESPONDENT



2025:KER:28903

13

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

RESPONDENT EXHIBITS

Exhibit R1(a) **A true copy of the Revised Sketch.**

Exhibit R1(b) **True copy of the G.O (P) No.
309/2023/RD, dated 11/12/2023.**



2025:KER:28903

14

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

APPENDIX OF WP(C) 15860/2024

PETITIONER EXHIBITS

- Exhibit P1** TRUE COPY OF THE ORDER NO. D 2057/91
DATED 10.04.1991 ISSUED BY THE 1ST
RESPONDENT.
- Exhibit P2** TRUE COPY OF THE CERTIFICATE (NOC)
DATED 10.05.1991 ISSUED BY THE 1ST
RESPONDENT.
- Exhibit P3** TRUE COPY OF THE SALE DEED DATED
28.09.2000 EXECUTED BY THE 2ND
RESPONDENT IN FAVOUR OF THE 3RD
RESPONDENT'S FIRM ‘COIRNET' .
- Exhibit P4** TRUE COPY OF THE OWNERSHIP
CERTIFICATE DATED 28.02.2015 ISSUED
BY THE PUNNAPRA NORTH PANCHAYATH IN
FAVOUR OF THE 3RD RESPONDENT.
- Exhibit P5** TRUE COPY OF THE PROCEEDINGS DATED
15.11.2014 ISSUED BY THE 1ST
RESPONDENT.
- Exhibit P6** TRUE COPY OF THE NOTICE DATED
26.03.2024 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER.

RESPONDENT EXHIBITS

- EXHIBIT R1(a)** True copy of land allotment rule



2025:KER:28903

15

WP(C) Nos. 7057 of 2015,
15202 & 15860 of 2024

APPENDIX OF WP(C) 7057/2015

RESPONDENT ANNEXURES

Annexure R1(a) True copy of the Survey Sketch

PETITIONER EXHIBITS

EXT.P2 - A TRUE COPY OF THE CERTIFICATE DATED 10-5-1991 ISSUED BY THE 1ST RESPONDENT.

EXT.P3 - A TRUE COPY OF THE SALE DEED DATED 28-9-2000 EXECUTED BY THE 4TH RESPONDENT IN FAVOUR OF THE PETITIONER.

EXT.P1 - A TRUE COPY OF THE PROCEEDING NO.D-2057/91 DATED 10-4-1991 ISSUED BY THE 1ST RESPONDENT

EXT.P5 - A TRUE COPY OF THE PROCEEDINGS NO.D1-7059/12 DATED 15-11-2014 WHICH OBTAINED UNDER RIGHT TO INFORMATION ACT.

EXT.P6 - A TRUE COPY OF THE LETTER NO. KFC/ALP/381/2010 DATED 21-7-2010

EXT.P4 - A TRUE COPY OF THE OWNERSHIP CERTIFICATE DATED 28-2-2015 ISSUED BY THE PUNNAPRA NORTH PANCHAYAT.