



2025:KER:30549

W.A.No. 2018 of 2023

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WA NO. 2018 OF 2023

AGAINST THE JUDGMENT DATED 11.9.2023 IN WP(C) NO.143 OF
2022 OF HIGH COURT OF KERALA

APPELLANT/ADDL. 5TH RESPONDENT:

T.K.PRADEEP KUMAR
AGED 63 YEARS, S/O. LATE KARUNAKARA PANICKER,
THURAVASSERIL, PUTHIYAKAVU, MAVELIKKARA, PIN - 690
102

BY ADVS.
K.SASIKUMAR
S.ARAVIND

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 4 & RESPONDENTS 6 TO
9:

- 1 BALARAMA PANICKER
AGED 73 YEARS
S/O. SEKHARAN CHANNAR, LAKSHANAYIL, MANACKAD,
MAVELIKKARA, ALAPPUZHA DISTRICT, PIN - 690 101
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001
- 3 DISTRICT COLLECTOR
COLLECTORATE, ALAPPUZHA, PIN - 688 001



2025:KER:30549

W.A.No. 2018 of 2023

2

- 4 SETTLEMENT OFFICE (INAM LANDS)
KOTTAYAM, PIN - 686 001
- 5 TAHSILDAR
TALUK OFFICE, MAVELIKKARA., PIN - 690 101
- 6 DEEPA.V.BABU
ADVOCATE, W/O. SRI. RETHEESH, LEKSHNAYIL, MANACADU,
MAVELIKKARA P.O., ALAPPUZHA, PIN - 690 101
- 7 ANILKUMAR
S/O. VIJAYAPANICKER, LEKSHMI NIVAS,
PONAKAM THEKKEKKARA, PUNNAMMODU,
MAVELIKKARA P.O.-, PIN - 690 101
- 8 LEKSHNAYIL FAMILY TRUST,
REG.NO.IV/31/2022, MAVELIKKARA, SECRETARY,
SMT. DEEPA V.BABU, AGED 44 YEARS, W/O.SRI.RETHEESH,
LEKSHANYIL, MANACADU, MAVELIKKARA, PIN - 690 101
- 9 LEKSHNAYIL FAMILY TEMPLE TRUST
REG.NO.IV/31/2022, MAVELIKKARA, PRESIDENT,
SRI. ANILKUMAR, AGED 59, S/O.VIJAYAPANICKER,
LEKSHMI NIVAS, PONAKAM, THEKKEKKARA, PUNNAMMODU,
MAVELIKKARA, PIN - 690 101

BY ADVS.
KRISHNA RAJ
AMRIT RAJ BABY
E.S.SONI(K/304/2012)
GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
MANU SRINATH(D/1420/2014)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08.04.2025,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

Dated this the 8th day of April, 2025

Nitin Jamdar, C.J.

Heard Mr. K. Sasikumar, learned counsel for the Appellant and Mr. George Varghese (Perumpallikuttiyl), learned counsel for Respondent No.1.

2. By this appeal, the Appellant / Respondent No.5 in W.P.(C)No.143 of 2022 - filed by Respondent No.1/Original Petitioner, seeks to challenge the judgment dated 11 September 2023, by which the learned Single Judge has allowed the writ petition and has quashed Ext.P7 order. Though there is a history of litigation between the parties, the controversy in this appeal lies in a narrow compass.

3. Respondent No.1/Original Petitioner had applied to the Tahsildar for a purchase certificate in respect of the inam land assignment. The Original Petitioner had relied upon the judgment of the learned Single Judge dated 3 August 2021 in W.P.(C)No.15924 of 2020. The Tahsildar by Ext.P7 order refused to pass orders on the application on the ground that the Appellant has filed O.S. No. 313 of 2017, the trial of which is going on. It is also stated that considering the subject matter of the suit which is still pending, the application of the Petitioner can be decided only after a decision is rendered in the pending suit. Being aggrieved by the refusal to entertain the application for purchase certificate, the writ petition was filed, which was allowed by the impugned judgment.

4. The learned Single Judge having examined the earlier decisions of this



2025:KER:30549

W.A.No. 2018 of 2023

4

Court has observed that the orders passed by this Court had made the issuance of purchase certificate subject to the decision of the civil court and there was no such restraint that purchase certificate shall be issued only after the completion of the proceedings.

4. In light thereof, the stand taken by the Tahsildar in refusing to issue purchase certificate was found to be contrary to the directions of this Court. As regards the contention of the Appellant in respect of the pending suit is concerned, the learned Single Judge has referred to the earlier orders of this Court that the purchase certificate, if issued, would be subject to the decision of the civil court. Therefore, even if the certificate is issued in favour of the Original Petitioner pursuant to the order passed by the learned Single Judge, it will be subject to the outcome of the civil suit which is pending between the parties i.e., the Original Petitioner and Respondent No. 5 / Appellant. According to us, these clarifications will sufficiently protect the interests of the parties.

5. With these clarifications, the appeal is disposed of.

Sd/-

Nitin Jamdar
Chief Justice

Sd/-

S. Manu
Judge