



2025:KER:52872

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 17<sup>TH</sup> DAY OF JULY 2025/26TH ASHADHA, 1947

W.A.NO.2227 OF 2019

AGAINST THE JUDGMENT DATED 26.06.2019 IN W.P(C).NO.731 OF 2019  
OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS IN WP(C) :

- 1 THE DISTRICT COLLECTOR  
WAYANAD, PIN-673 121.
- 2 THE TAHSILDAR  
VYTHIRI TALUK OFFICE, WAYANAD DISTRICT, PIN-673 576.
- 3 THE STATE OF KERALA  
WITH ADDRESS FOR SERVICE, THE SECRETARY TO GOVERNMENT,  
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695 001.
- 4 THE TAHSILDAR,  
LAND RECORDS, VYTHIRI, WAYANAD DISTRICT, PIN-673 576.

BY SRI.Y.JAFFER KHAN, SENIOR GOVERNMENT PLEADER  
SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL

RESPONDENTS/PETITIONERS IN WP(C) :

- 1 M.N.DEVIPRASAD,  
S/O.NAGARAJAYYA, AGED 68 YEARS KALAMANDIRAM HOUSE,  
DEVAGIRI ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST,  
VYTJORO TALUK, WAYANAD DISTRICT-673 576.
- 2 M.N.ARUNAKUMARI,  
D/O.NAGARAJAYYA, AGED 62 YEARS, KALAMANDIRAM HOUSE, ARUNA  
ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI TALUK,  
WAYANAD DISTRICT, PIN-673 576.



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- 3 M.N.INDRAKUMARI,  
D/O.NAGARAJAYYA, AGED 58 YEARS, KALAMANDIRAM HOUSE, INDRA  
ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI TALUK,  
WAYANAD DISTRICT, PIN-673 576.
- 4 M.N.CHANDRANATHAN,  
S/O.NAGARAJAYYA, AGED 60 YEARS, KALAMANDIRAM HOUSE,  
PADMINI ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST,  
VYTHIRI TALUK, WAYANAD DISTRICT-673 576.
- 5 M.N.SWARANAKUMARI,  
D/O.NAGARAJAYYA, AGED 64 YEARS SUVARNA NIVAS, KALAMANDIRAM,  
SUVARNA ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI  
TALUK, WAYANAD DISTRICT, PIN-673 576.
- 6 M.N.NAGENDRA SURYA KUMARI,  
D/O.NAGARAJAYYA, AGED 75 YEARS, KALAMANDIRAM HOUSE,  
KAMALA ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI  
TALUK, WAYANAD DISTRICT-673 576.
- 7 P.SUJATHA KRISHNAMOHAN,  
W/O.KRISHNAMOHAN, AGED 61 YEARS, MUTTIL NORTH VILLAGE,  
MUTTIL POST, VYTHIRI TALUK, WAYANAD DISTRICT-673 576.

BY ADV.SRI.SHYAM PADMAN (SR.)  
BY ADV.SMT.LAYA MARY JOSEPH  
BY ADV.SRI.C.M.ANDREWS  
BY ADV.SMT.BOBY M.SEKHAR  
BY ADV.SRI.HARISH ABRAHAM  
BY ADV.SRI.B.KRISHNAN  
BY ADV.SRI.R.PARTHASARATHY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 14.07.2025,  
ALONG WITH W.P(C).NO.19498/2018 AND W.A.NO.1435/2020, THE COURT  
ON 17.07.2025 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 17<sup>TH</sup> DAY OF JULY 2025/26TH ASHADHA, 1947

W.P(C).NO.19498 OF 2018

PETITIONER:

MSP FAMILY JAIN TRUST REP. BY ITS PRESIDENT  
SREEMANDARAVARMA JAIN, S/O. M.P. SANTHIVARMA JAIN,  
AGED 48 YEARS, KALYANAMANDIRAM ESTATE, MUTTIL NORTH  
VILLAGE, KALPATTA NORTH, VYTHIRI TALUK, WAYANAD DISTRICT.

BY ADV.SRI.JACOB SEBASTIAN  
BY ADV.SMT.ANU JACOB  
BY ADV.SRI.WINSTON K.V

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM, PIN-695001.
- 2 THE DISTRICT COLLECTOR  
WAYANAD DISTRICT, PIN-673005.
- 3 THE THAHSILDAR  
VYTHIRI TALUK, WAYANAD DISTRICT, PIN-673005.
- 4 ADDL.R4  
TAHSILDAR (LAND RECORDS)  
VYTHIRI TALUK, WAYANAD DISTRICT, PIN-673005.

(ADDL.R4 IS IMPEADED VIDE ORDER DATED 06/02/2019  
IN I.A.NO.01/2019 IN W.P.(C).NO.19498/2018)



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BY SRI.Y.JAFFER KHAN, SENIOR GOVERNMENT PLEADER  
BY ADV.SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL  
BY ADV.SRI.RANJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
14.07.2025, ALONG WITH W.A.NO.2227/2019 AND W.A.NO.1435/2020,  
THE COURT ON 17.07.2025 DELIVERED THE FOLLOWING:



2025:KER:52872

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE P.M.MANOJ

THURSDAY, THE 17<sup>TH</sup> DAY OF JULY 2025/26TH ASHADHA, 1947

W.A NO.1435 OF 2020

AGAINST THE JUDGMENT DATED 26.06.2019 IN W.P(C).NO.731 OF 2019  
OF HIGH COURT OF KERALA

APPELLANTS/PETITIONERS:

- 1 M.N.DEVIPRASAD  
AGED 68 YEARS  
S/O.NAGARAJAYYA, KALAMANDIRAM HOUSE, DEVAGIRI ESTATE,  
MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI TALUK,  
WAYANAD DISTRICT. PIN-673 576
- 2 M.N.ARUNAKUMARI  
AGED 62 YEARS  
D/O.NAGARAJAYYA, KALAMANDALAM HOUSE, ARUNA ESTATE,  
MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI TALUK,  
WAYANAD DISTRICT. PIN-673 576
- 3 M.N.INDRAKUMARI.  
AGED 58 YEARS  
D/O.NAGARAJAYYA, KALAMANDIRAM HOUSE, INDRA ESTATE,  
MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI TALUK,  
WAYANAD DISTRICT. PIN-673 576
- 4 M.N.CHANDRANATHAN  
AGED 60 YEARS  
S/O.NAGARAJAYYA, KALAMANDIRAM HOUSE, PADMINI ESTATE,  
MUTTIL NORTH VILLAGE, MUTTIL POST, VYTHIRI TALUK,  
WAYANAD DISTRICT. PIN-673 576
- 5 M.N.SWARNAKUMARI  
AGED 64 YEARS  
D/O.NAGARAJAYYA, SUVARNA NIVAS, KALAMANDIRAM HOUSE,  
SUVARNA ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST,  
VYTHIRI TALUK, WAYANAD DISTRICT. PIN-673 576



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- 6        M.N.NAGENDRA SURYA KUMARI  
          AGED 75 YEARS  
          D/O.NAGARAJAYYA, KALAMANDIRAM HOUSE,  
          KAMALA ESTATE, MUTTIL NORTH VILLAGE, MUTTIL POST,  
          VYTHIRI TALUK, WAYANAD DISTRICT. PIN-673 576.
- 7        P.SUJATHA KRISHNAMOHAN,  
          W/O.KRISHNAMOHAN, AGED 61 YEARS, MUTTIL NORTH VILLAGE,  
          MUTTIL POST, VYTHIRI TALUK, WAYANAD DISTRICT, PIN-673 576.

BY ADV.SRI.SHYAM PADMAN (SR.)  
BY ADV.SMT.LAYA MARY JOSEPH  
BY ADV.SRI.C.M.ANDREWS  
BY ADV.SMT.BOBY M.SEKHAR  
BY ADV.SRI.HARISH ABRAHAM

RESPONDENTS/RESPONDENTS:

- 1        THE DISTRICT COLLECTOR,  
          WAYANAD.PIN-673 121
- 2        THE TAHSILDAR,  
          VYTHIRI TALUK, WAYANAD DISTRICT, PIN-673 576.
- 3        STATE OF KERALA WITH ADDRESS FOR SERVICE,  
          THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,  
          THIRUVANANTHAPURAM-695 001.
- 4        THE TAHSILDAR,  
          LAND RECORDS, VYTHIRI, WAYANAD DISTRICT, PIN-673 576.

BY SRI.Y.JAFFER KHAN, SENIOR GOVERNMENT PLEADER  
BY SMT.VINITHA B., SENIOR GOVERNMENT PLEADER  
BY ADV.SRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 14.07.2025,  
ALONG WITH W.A.NO.2227/2019 AND W.P.(C).NO.19498/2018, THE COURT  
ON 17.07.2025 DELIVERED THE FOLLOWING:



**"C.R."**

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

**Dr. A.K. Jayasankaran Nambiar, J.**

As all these cases involve a common issue, they are taken up together for consideration and disposed by this common judgment. For the sake of convenience, we shall refer to the facts in W.P.(C).No.731 of 2019, from which W.A.No.2227 of 2019 arises.

2. The writ petitioners had earlier approached this Court through W.P.(C).No.9216 of 2011 challenging the notices issued to them by the Tahsildar, Vythiri Taluk in Form 'C' under Rule 11 of the Kerala Land Conservancy Rules [hereinafter referred to as the "Rules"]. By a judgment dated 16.06.2017, the said writ petition was disposed by quashing the impugned notices and directing the Tahsildar to hear the parties concerned, consider their objections and pass a reasoned order adverting to the said objections. It would appear that the Tahsildar thereafter heard the writ petitions and passed an order dated 03.05.2018 followed by fresh notices in Form 'C' under Rule 11 of the Rules. The said order and notices were impugned in the writ petition.



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3. The challenge in the writ petition was essentially threefold, in that it was contended (i) that the Tahsildar (LR) had no jurisdiction to act as a “Collector” under Section 15 of the Kerala Land Conservancy Act [hereinafter referred to as the “Act”] and to pass the order that was impugned in the writ petition; (ii) that the Tahsildar had not adverted to the jurisdictional fact required to be established before passing the impugned order; and (iii) that the Government could not disturb the settled possession of the land through the Land Conservancy proceedings without first ascertaining the true nature of such possession.

4. The learned Single Judge, who considered the writ petition, rejected the contention regarding lack of jurisdiction in the Tahsildar, based on Government orders that had been issued which clarified the matter. However, he found in favour of the writ petitioners on the other two grounds of challenge based on the judgments of this Court in **Harrisons Malayalam Ltd. v. State of Kerala - [2014 (4) KLT 371]; Banerjee Memorial Club v. Taluk Tahsildar - [2016 (1) KLT 241]; Harrisons Malayalam Ltd. v. State of Kerala - [2018 (2) KLT 369] and Shahul Hassan Musaliyar T.K. v. State of Kerala and Others - [2015 (4) KHC 615]** and held that, prior to invoking the power to summarily evict under Rule 11 of the Rules, the Government was required to demonstrate that it was in legal possession of the land and that the occupier of the land was in unauthorised occupation. Differentiating between the concepts of 'legal possession' and 'actual





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possession', it was found while it was clear that the writ petitioners were in actual possession of the land, there was no clarity with regard to the legal possession, and hence, the Government, in the absence of an established legal possession over the land, could not resort to the power under Section 11 of the Act. The writ court also considered the submission of the learned Additional Advocate General that the land in question had been identified for establishing a Government Medical College in Wayanad and that steps were being contemplated for invoking land acquisition proceedings in respect of the same. Taking note of the said submission, the writ petition was disposed with the following directions:

“In such circumstances, I am of the view that if the land is required for public purposes, dispensing other statutory formalities, an Award shall be passed computing the compensation. There is no dispute in this case that the land belongs to the Government. The petitioners could only assert a possessory interest in the land. Therefore, they could only claim compensation on proving the nature of the possessory right over the land. Therefore, the Collector shall pass an award and refer the dispute under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act 30 of 2013] to determine the right, interest and also the quantum of compensation. It is for the civil court to decide the nature of right and interest based on which the petitioners are entitled for the compensation and also the quantum of compensation. The Award shall be passed after preparing the mahazar with the details of improvements and valuation of the land and all other factors required to determine just and fair compensation under the Act 30 of 2013. Such an award shall be passed within one month. If no award is passed within one month and if the land is not required for any public purposes, the land shall be restored to the petitioners on expiry of one month. In such an event, it is open for the Government to evict the petitioners in accordance with law through the civil court.

Thus, the writ petition is disposed with the following directions:

I. The Collector shall pass an award in the light of the discussions in the judgment within one month and refer the dispute as to the claim for compensation to the civil court under Section 64 of the Act 30 of 2013.

II. If the land is not required for public purposes and no award is passed within time, the Government shall restore the land to the petitioners on expiry of the period. In such an event, the Government is at liberty to evict the petitioners through the civil court in accordance with law.”

5. The State is in appeal against the aforesaid judgment of the learned Single Judge. The writ petitioners have also preferred an appeal [W.A.No.1435 of 2020] aggrieved by the direction of the learned Single Judge that permitted the State Government to retain possession of the land



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that had been resumed pursuant to the order impugned in the writ petition, on the ground that the land was identified for acquisition purposes. However, when these appeals were taken up for hearing, it was submitted by the learned senior Government Pleader Sri. Y. Jaffer Khan that the proposal for acquisition of the land for a Medical College has since been dropped. W.A.No.1435 of 2020 can therefore be closed by recording the said submission of the learned senior Government Pleader, and we do so.

6. W.P.(C).No.19498 of 2018 has been filed by the MSP Family Jain Trust impugning the same order dated 03.05.2018 of the Tahsildar (LR), Vythiri which was impunged in W.P.(C).No.731 of 2019, referred above. When the writ petition came up for consideration before a learned Single Judge, he deemed it appropriate to refer the matter to the Honourable the Chief Justice to consider posting the writ petition along with W.A.No.2227 of 2019 which was already pending before us. It is thus that W.P.(C).No.19498 of 2018 is also now before us by order of the Honourable the Chief Justice.

7. We have heard Sri. Y. Jaffer Khan, the learned senior Government Pleader for the State in these cases and Sri. Shyam Padman, the learned senior counsel, assisted by Smt. Laya Mary Joseph, the learned counsel for the writ petitioners in W.P.(C).No.731 of 2019 [appellants in W.A.No.1435 of 2020 and respondents in W.A.No.2227 of 2019] and Sri. Jacob Sebastian, the learned counsel for the petitioner in W.P.



(C).No.19498 of 2018.

8. As the issue involved in these cases pertains to the nature and scope of the power that can be exercised by the competent authority under the provisions of the Act and Rules, it would be apposite to refer to some of the precedents on the point:

9. In **Govt. of A.P. v. Thummala Krishna Rao and Another - [1982 (2) SCC 134]**, the Court was concerned with three items [groups] of property, alleged to have been acquired by the Government of the Nizam of Hyderabad for the benefit of Osmania University, along with larger extents of lands. The University instituted a suit which was rejected, finding the plaintiff having failed to prove possession within 12 years before the filing of the suit. Later, at the instance of the University the Tahsildar took steps for summary eviction under the Andhra Pradesh Land Encroachment Act, 1905. The resultant order of eviction passed, after being unsuccessfully challenged before the statutory authorities was before the High Court. The learned Single Judge held that the questions, whether the lands were acquired by the Government and had then been transferred to the University were not questions which could be properly decided under Article 226. The Division Bench, in appeal, held that summary proceedings under the Encroachment Act cannot be resorted to, on the facts. The Hon'ble Supreme Court accepted, with approval, the finding of the Division Bench that the summary remedy provided by Section 7, cannot be availed of in



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cases where complicated questions of title arise for decision “unless there is an attempted encroachment or encroachment of very recent origin. It was so held in paragraphs 8 and 9 of the cited decision:

“8. It seems to us clear from these provisions that the summary remedy for eviction which is provided for by Section 6 of the Act can be resorted to by the Government only against persons who are in unauthorised occupation of any land which is “the property of the Government”. In regard to property described in sub-sections (1) and (2) of S.2, there can be no doubt, difficulty or dispute as to the title of the Government and, therefore, in respect of such property, the Government would be free to take recourse to the summary remedy of eviction provided for in S.6. A person who occupies a part of a public road, street, bridge, the bed of the sea and the like, is in unauthorised occupation of property which is declared by Section 2 to be the property of the Government and, therefore, it is in public interest to evict him expeditiously, which can only be done by resorting to the summary remedy provided by the Act. But Section 6(1) which confers the power of summary eviction on the Government limits that power to cases in which a person is in unauthorised occupation of a land “for which he is liable to pay assessment under S.3”. S.3, in turn, refers to unauthorised occupation of any land “which is the property of the Government”. If there is a bona fide dispute regarding the title of the Government to any property, the Government cannot take a unilateral decision in its own favour that the property belongs to it, and on the basis of such decision take recourse to the summary remedy provided by S.6 for evicting the person who is in possession of the property under a bona fide claim or title. In the instant case, there is unquestionably a genuine dispute between the State Government and the respondents as to whether the three plots of land were the subject-matter of acquisition proceedings taken by the then Government of Hyderabad and whether the Osmania University, for whose benefit the plots are alleged to have been acquired, had lost title to the property by operation of the law of limitation. The suit filed by the University was dismissed on the ground of limitation, inter alia, since Nawab Habibuddin was found to have encroached on the property more than 12 years before the date of the suit and the University was not in possession of the property at any time within that period. Having failed in the suit, the University activated the Government to evict the Nawab and his transferees summarily, which seems to us impermissible. The respondents have a bona fide claim to litigate and they cannot be evicted save by the due process of law. The summary remedy prescribed by Section 6 is not the kind of legal process which is suited to an adjudication of complicated questions of title. That procedure is, therefore, not the due process of law for evicting the respondents.

9. The view of the Division Bench that the summary remedy provided for by Section 6 cannot be resorted to unless the alleged encroachment is of “a very recent origin”, cannot be stretched too far. That was also the view taken by the learned Single Judge himself in another case which is reported in *Meharunnissa Begum v. State of A.P.* which was affirmed by a Division Bench. It is not the duration, short or long, of encroachment that is conclusive of the question whether the summary remedy prescribed by the Act can be put into operation for evicting a person. What is relevant for the decision of that question is more the nature of the property on which the encroachment is alleged to have been committed and the consideration whether the claim of the occupant is bona fide. Facts which raise a bona fide dispute of title between the Government and the occupant must be adjudicated upon by the ordinary courts of law. The Government cannot decide such questions unilaterally in its own favour and evict any person summarily on the basis of such decision. But duration of occupation is relevant in the sense that a person who is in occupation of a property openly for an appreciable length of time can be taken, prima facie, to have a bona fide claim to the property requiring an impartial adjudication according to the established procedure of law”. (emphasis supplied)

10. The *bona fide* dispute referred to above can be inferred in many ways. For instance, the persons in actual possession of the land may



admit that the land in question is Government land but contend that they have been in possession pursuant to a valid permission for possession, as was the case in **Banerjee Memorial Club (supra) and Shahul Hassan Musaliyar (supra)**. On the other hand, the person in actual possession could claim that he had a valid title over the property and that his actual possession merged with legal possession, as in the case of **Harrisons Malayalam Ltd. (M/s.) and Another v. State of Kerala and Others - [2018 (2) KHC 719]**. It is only in the absence of any material on record that provides a justification for the occupation of the land in question that the Government can exercise its power of resumption in terms of the Act and Rules. This aspect was reiterated by a Division Bench of this Court in **Balanoor Plantations & Industries Ltd. and Another v. State of Kerala and Others - [2018 KHC 481]**.

11. On the facts of the instant cases, we find that while the writ petitioners, who were in actual possession of their lands, claimed to be in possession of Government land consequent to a permission granted to them, as evidenced by the “punja chits” issued for cultivation of the lands, or by virtue of fixity of tenure obtained under Land Reforms Legislation that was in force during the relevant time, their continued possession of the lands after the coming into force of the States Reorganisation Act in 1956, and the abolition of the concessions/privileges granted prior thereto as contended by the learned senior Government Pleader, clothed them with certain rights, depending on the duration of their possession over such lands. It is also an



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admitted position that no proceedings for resumption of land were taken against the writ petitioners for over three decades. Under such circumstances, we cannot, but agree with the findings of the learned Single Judge in W.P.(C).No.731 of 2019 [the judgment impugned in W.A.No.2227 of 2019] that the nature of the rights accruing to the writ petitioners had to be examined by a Civil Court before permitting the State to unilaterally exercise its powers of resumption under the Act and Rules. As a matter of fact, we would think that after expiry of thirty years, the writ petitioners would also be entitled under law to defend any action by the State towards dispossessing them, on the plea of adverse possession.

12. In this context, we might also refer to our own judgment dated 01.07.2025 in W.A.No.252 of 2016 and connected cases, where, in the context of the exercise of a summary power for cancellation of the registry under Rule 8(3) of the Kerala Land Assignment Rules, we found as follows:

“It is apparent from a perusal of the Rules that although the Rule does not specify a period of limitation for exercising the power for cancellation of the Patta that is already issued, the power must be exercised within a reasonable time. As regards what that reasonable time is, we must look to the other provisions of the Act for guidance. Viewed thus, we find that Rule 8(1) mentions a period of 25 years for non-alienation of lands and simultaneously provides for a power to resume the assigned lands if there is a breach of any of the conditions governing the original assignment. It is through the same provision that the power to resume lands on discovery of a mistake/fraud etc. is conferred. We would think therefore that the statutory provision itself indicates that the monitoring period for the Patta is only 25 years and that if any action, for cancellation of the Patta for breach of the conditions under which it was granted, is taken, it has to be taken within that time. In the instant case, no such action was taken by the State for almost 30/40 years from the date of issuance of the Patta. That apart, the conduct of the State in accepting tax in respect of the lands covered by the Pattas would effectively estop it from contending that it had no knowledge of the alleged fraudulent acts during all these years.”

13. The upshot of the above discussion, therefore, is that we do not deem it necessary to interfere with those findings of the learned Single Judge in the judgment impugned in W.A.No.2227 of 2019, to the extent



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impugned therein. We are of the view that the summary power for resumption of lands, allegedly under the unauthorized occupation of the writ petitioners in these cases, cannot be exercised after a considerable length of time [in these cases over thirty years] without the Government first establishing before a Civil Court, the jurisdictional fact of the lands in question being Government lands for the purposes of the Act and Rules.

We therefore dismiss W.A.No.2227 of 2019, close W.A.No.1435 of 2020 based on the submission of the learned senior Government Pleader that the proposal for acquisition of the land for a Medical College has since been dropped, and allow W.P.(C).No.19498 of 2018 by quashing Ext.P14 order impugned therein and maintaining the directions of the learned Single Judge in the judgment in W.P.(C).No.731 of 2019 with regard to the necessity of the State proving its title over the property in question in proceedings initiated before the Civil Court of competent jurisdiction. In the light of our findings above, we also direct the State Government to forthwith, and at any rate, within a month from today, restore possession of the properties resumed from the petitioners in W.P.(C).No.731 of 2019.

Sd/-  
**DR. A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

Sd/-  
**P.M.MANOJ**  
**JUDGE**

prp/



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APPENDIX OF W.P(C).NO.19498/2018

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE MINUTES OF THE MEETING DATED 29.01.2011 ISSUED BY THE 3RD RESPONDENT.
EXHIBIT P2	A TRUE COPY OF THE JUDGMENT DATED 21.02.2011 IN W.P. (C) NO.4703/2011 OF THIS HON'BLE COURT.
EXHIBIT P3	TRUE COPY OF THE OBJECTIONS DATED 07.03.2011 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
EXHIBIT P4	A TRUE COPY OF THE NOTICE DATED 14.07.2011 ISSUED BY THE 3RD RESPONDENT.
EXHIBIT P5	A TRUE COPY OF THE NOTICE DATED NIL ISSUED BY THE 3RD RESPONDENT.
EXHIBIT P6	TRUE COPY OF THE JUDGMENT DATED JUNE 16, 2017 WPC 24352/2011 OF THIS HONOURABLE COURT.
EXHIBIT P7	A TRUE COPY OF THE NOTES OF ARGUMENT SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT ON FEBRUARY 28, 2018.
EXHIBIT P8	A TRUE COPY OF THE PUNCHA CHIT/REVENUE RECEIPT DATED OCTOBER 28, 1933 IN THE NAME OF SUBBAYYA GOUNDAN.
EXHIBIT P8 (A)	A TRUE COPY OF THE PUNCHA CHIT/REVENUE RECEIPT DATED SEPTEMBER 29, 1934 IN THE NAME OF SUBBAYYA GOUNDAN.
EXHIBIT P9	A TRUE COPY OF THE PUNCHA CHIT/REVENUE RECEIPT DATED SEPTEMBER 25, 1940 AND AUGUST 28, 1941 IN THE NAME OF PADMAYYA GOUNDAN.
EXHIBIT P10	A TRUE COPY OF REGISTERED PARTITION DEED NUMBER 2252/1958 OF THE SRO, VYTHIRI.
EXHIBIT P11	A TRUE COPY OF REGISTERED TRUST IT NUMBER 1/1963 OF THE SRO, VYTHIRI.
EXHIBIT P12	A TRUE COPY OF THE PROCEEDINGS DATED AUGUST 10, 1988 ISSUED BY THE THIRD RESPONDENT.
EXHIBIT P13	A TRUE COPY OF THE RECEIPTS DATED FEBRUARY 10, 1989 AND MARCH 2, 1991 ISSUED BY THE VILLAGE OFFICER, MUTTIL NORTH VILLAGE.
EXHIBIT P13 (A)	A TRUE COPY OF THE RECEIPTS DATED MARCH 2, 1991 ISSUED BY THE VILLAGE OFFICER, MUTTIL NORTH VILLAGE.
EXHIBIT P14	A TRUE COPY OF THE ORDER DATED MAY 3, 2018 ISSUED BY THE THIRD RESPONDENT.





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RESPONDENT'S EXHIBITS:

EXHIBIT R3(A): TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER TRUST.

EXHIBIT R3(B): TRUE COPY OF THE RELEVANT PAGES OF THE OLD BASIC TAX REGISTER.

EXHIBIT R3(C): TRUE COPY OF THE RELEVANT PAGES OF THE NEW BASIC TAX REGISTER.

EXHIBIT R4(A): TRUE COPY OF THE NOTICE ISSUED TO THE 1ST PETITIONER DATED 26.02.2011.

EXHIBIT R4(B): TRUE COPY OF THE RELEVANT PAGES OF THE OLD BASIC TAX REGISTER.

EXHIBIT R4(C): TRUE COPY OF THE RELEVANT PAGES OF THE NEW BASIC TAX REGISTER.

EXHIBIT R4(D): TRUE COPY OF THE RELEVANT PAGES G O (MS) NO.510/98/RD DATED 14.10.1998.

EXHIBIT R4(E): TRUE COPY OF THE PROCEEDINGS OF THE LAND REVENUE COMMISSIONER DATED 23.06.2000.

EXHIBIT R4(F): TRUE COPY OF THE GO (MS).NO.137/2017/RD DATED 27.04.2017.

EXHIBIT R4(G): TRUE COPY OF THE MAHASAR DATED 26.12.2018.

//TRUE COPY//

P.S. TO JUDGE