

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943

RP NO. 232 OF 2022

AGAINST THE JUDGMENT IN WP(C) 20441/2020 OF HIGH COURT OF KERALA

REVIEW PETITIONER:

P.I. KURIAN @ P. IYPE KURIAN, AGED 82 YEARS
SON OF IYPE, PADINJAREYIL HOUSE, KANNIMANGALAM,
AYYAMPUZHA P.O., ERNAKULAM DISTRICT, PIN - 683581

BY ADVS.
N.M.MADHU
C.S.RAJANI

RESPONDENTS:

- 1 CANARA BANK (ERSTWHILE SYNDICATE BANK), ASSET RECOVERY
MANAGEMENT BRANCH, 2ND FLOOR, CHITTOOR ROAD, OPPOSITE
GOVERNMENT GIRLS HIGH SCHOOL, ERNAKULAM, PIN - 682016
REPRESENTED BY ITS BRANCH MANAGER,
- 2 THE TAHSILDAR, TALUK OFFICE, ALUVA,
ERNAKULAM DISTRICT, PIN - 683101
- 3 THE HEAD SURVEYOR, TALUK OFFICE, ALUVA, ERNAKULAM
DISTRICT, PIN - 683101
- 4 THE SUB REGISTRAR, SUB REGISTRAR'S OFFICE, ANGAMALY,
ERNAKULAM DISTRICT, PIN - 683573
- 5 J.K. RUBBERS, REPRESENTED BY THE PROPRIETOR GEO KURIAN,
SON OF P.I. KURIAN, PADINJAREYIL HOUSE, KANNIMANGALAM,
KADUKULANGARA, AYYAMPUZHA P.O., ERNAKULAM DISTRICT, PIN
- 683581
- 6 GEO KURIAN, SON OF P.I. KURIAN, PADINJAREYIL HOUSE,
KANNIMANGALAM, AYYAMPUZHA P.O., ERNAKULAM DISTRICT,
PIN - 683581
- 7 THOMAS CHACKO, SON OF CHACKO, VAZHITHALAKATTU,
MYLAMKODU P.O., THODUPUZHA, IDUKKI DISTRICT, PIN -
685584

- 8 JESSY GEORGE, WIFE OF GEORGE, KUTTAPILLIL HOUSE,
KOOVALLUR KARA, POTHANIKKAD VILLAGE,
KOTHAMANGALAM TALUK, PRESENTLY RESIDING AT 25
CHRISTIES CLOSE, LIDEN, SWINDON, WILTSHIRE,
SN36JJ, UNITED KINGDOM, PIN - 686691
- 9 BISMI PAPPACHAN, AGED 34 YEARS
DAUGHTER OF PAPPACHAN, PANAPARAMBIL HOUSE,
NEELESWARAM P.O., KALADY, PIN - 683584

SMT.K.AMMINIKUTTY SR.G.P.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
28.02.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This petition, seeking review of the judgment of this Court dated 11.10.2021, has been filed conceding that the survey as ordered by this Court has now been completed; but contending that in the report settled pursuant thereto, certain portions of the properties of the petitioner have been illegally included in the extent claimed by the respondent - Bank.

2. I have heard Sri.N.M.Madhu, learned counsel for the petitioner and Smt.K.Aminikutty, learned Senior Government Pleader appearing for the official respondents.

3. Smt.K.Aminikutty submitted that though survey has been completed, the resultant sketch has not been issued to any of the parties and therefore, that this review petition is totally without purpose. She added that, in any event, if the review petitioner has any cause against the survey or the sketch to be issued, his remedy is to approach the competent Authorities or the Civil Court for proper redress.

4. I must say that there is some force in the submissions of the learned Senior Government Pleader because this Court had only directed the Head Surveyor to take up Ext.P6 representation of the writ petitioner, produced in the writ

petition, and to conduct a survey under the “Torrence Scheme”. Obviously, therefore, if the review petitioner has any cause against the survey or the sketch to be issued, he certainly has remedies before the competent statutory Authorities or even before the Civil Court before which he says that a Civil Suit, is pending between himself and the 8th respondent.

5. In the afore circumstances, I do not think that it will be necessary for this Court to entertain this review petition and I, therefore, close it; however, leaving full liberty to the petitioner to invoke and pursue all remedies that may be available to him statutorily or before the competent Civil Court, for which purpose, all contentions are left open.

Needless to say, the judgment of this Court or the contents of this order will not prejudice the competent Civil Court or the statutory Authority, if and when the review petitioner approaches them for available remedies, from dealing with every aspect in terms of law.

Sd/- DEVAN RAMACHANDRAN
JUDGE

stu

APPENDIX OF RP 232/2022

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE TITLE DEED OF THE REVIEW PETITIONER BEARING SALE DEED NO. 4567/2006 DATED 08.08.2006 OF S.R.O. ANGAMALY
Annexure A2	TRUE COPY OF THE LATEST BASIC TAX RECEIPT OF THE PROPERTY ON 18.02.2022
Annexure A3	TRUE COPY OF THE LOAN PROCESS PAPERS DATED 12.06.2007 ISSUED BY THE BANK
Annexure A4	TRUE COPY OF THE LATEST PROPERTY TAX RECEIPT DATED 17.02.2022
Annexure A5	TRUE COPY OF THE WRITTEN STATEMENT DATED 05.06.2017 FILED BY THE REVIEW PETITIONER IN EXT.P7 SUIT
Annexure A6	TRUE COPY OF THE NOTICE DATED 25.08.2021 IN APPLICATION BEARING NO.H1/5721/21 ISSUED BY THE TAHSILDAR, ALUVA TALUK TO THE REVIEW PETITIONER
Annexure A7	TRUE COPY OF THE REPLY DATED 03.09.2021 SUBMITTED BY THE REVIEW PETITIONER TO ANNEXURE A6
Annexure A8	TRUE COPY OF THE SKETCH PREPARED BY THE TALUK SURVEYOR, ALUVA ON 06.09.2021
Annexure A9	TRUE COPY OF THE COMMISSION REPORT DATED 18.12.2021 AND PLAN SUBMITTED BY THE ADVOCATE COMMISSIONER
Annexure A10	TRUE COPY OF THE NOTICE DATED 09.02.2022 ISSUED BY THE SURVEYOR TO THE REVIEW PETITIONER
Annexure A11	TRUE COPY OF THE STATEMENT DATED 14.02.2022 SUBMITTED BY THE REVIEW

PETITIONER TO THE HEAD SURVEYOR &
APPROVING AUTHORITY, TORENCE SURVEY
OFFICE, ANGAMALY