

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945

RP NO. 526 OF 2023
AGAINST THE ORDER/JUDGMENTWP(C) 22778/2022 OF HIGH COURT OF
KERALA

REVIEW PETITIONER/S:

KUTTI HASSAN
AGED 69 YEARS
S/O KALLADA KAMMUKUTTY HAJI,
KALLADA HOUSE, KADUNGALLOOR, PULIYAKODE PO,
KUZHIMANNA, KONDOTTY TALUK,
MALAPPURAM DISTRICT, PIN - 679329

BY ADVS.
P.SAMSUDIN
MILAN RACHEL MATHEW
LIRA A.B.

RESPONDENT/S:

1 RAHEES @ RAHEES MON K K
AGED 33 YEARS
S/O. KALLADA MUHAMMED,
PUTHALATH CHALIL HOUSE, THAVANOOR AMSOM, DESOM,
KONDOTTY TALUK, MALAPPURAM DISTRICT., PIN - 673641

2 SUB COLLECTOR & PRESIDING OFFICER
MAINTENANCE TRIBUNAL, PERINTHALMANNA,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PERINTALMANNA, MALAPPURAM DISTRICT., PIN - 679322

SRI TR RENJITH SR GP

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

This review petition is filed seeking to review the judgment dated 20.03.2023 in W.P.(C.) No. 22778/2022.

2. Sri. Samsudhin Panolan, the learned counsel appearing for the petitioner, submits that while disposing of the matter, an error has crept in while passing direction (b). It is submitted that this Court had mentioned that if the petitioner is residing in the 40 cents of property settled in the name of his father on the strength of the settlement deed executed in the family, he shall not be dispossessed. The learned counsel appearing for the petitioner submits that the property is still in the name of the father, Sri. Mohammed, and it has not been settled in the name of the petitioner. The learned counsel contended that the petitioner, infact, had trespassed into the premises and had started residing there.

3. Sri. Venugopal, the learned counsel appearing for the 1st respondent, submitted that the observation in the judgment that a settlement deed was executed in the name of the petitioner is erroneous. However, he refuted the contention that the petitioner had trespassed into the property.

Having considered the facts and circumstances, it appears that an error has crept in the direction (b) of the judgment. This review petition will stand allowed to the limited extent of modifying direction (b). In substitution direction (b) shall be read as under:

“b.) If the petitioner is residing in the 40 cents of property, which stands in the name of the father, he shall not be dispossessed. However, this shall be subject to the orders to be passed by the learned District Magistrate, if application to that effect is filed as directed in direction (c).”

Sd/-
RAJA VIJAYARAGHAVAN V
JUDGE