

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY, 2020/22ND VAISAKHA, 1942

W.P(C) NO.8877 OF 2020

PETITIONERS:-

1. R.RENJITH, AGED 48 YEARS
S/O LATE P.RAJAPPAN NAIR
AIKKARA HOUSE, THURUTHY PO
PERUMBAVOOR, ERNAKULAM DIST.- 683 545
2. P.DEEPTHI, W/O R.RENJITH
AIKKARA HOUSE, THURUTHY PO
PERUMBAVOOR, ERNAKULAM DIST.- 683 545

BY ADVS. SRI.SANTHAN V.NAIR

RESPONDENTS :-

1. KERALA REAL ESTATE REGULATORY AUTHORITY,
5TH FLOOR, SWARAJ BHAVAN
NANTHANCOD, KOWDIAR PO
THIRUVANANTHAPURAM - 695 003
REP. BY ITS SECRETARY (LEGAL)
2. MARY ALPHONSA @ MARY ALPHONSE JOSEPH
RESIDING AT 4101, KATTADIYIL
VALLATHOL ROAD, VADACODE PO
THRIKKAKARA NORTH VILLAGE
ERNAKULAM DIST. 682 021
3. HARISH P.S, S/O P.A.SAINUDEEN,
PIRAMBILLIKUDY
THRIKKAKARA PO
KOCHI - 682 021

R3 BY SRI.ADV.ASWIN KUMAR

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

The learned counsel for the petitioners submits that he has served notice on all the respondents and that he has filed a memo to that effect. The petitioners are aggrieved by an adjudication by the first respondent which holds that the portion of land sub-divided into plots will not be considered as a project governed by the provisions of the Real Estate (Regulation and Development) Act, 2016.

2. Adv.Aswin Kumar enters appearance for the third respondent undertakes to file a vakalath on behalf of the third respondent. The immediate concern for the learned counsel for the petitioners is that the sale of two remaining plots (which according to him is imminent) should not be taken as a closure of the project, if this court were to come to the conclusion that the project was governed by the Provisions of the Real Estate (Regulation and Development) Act, 2016.

3. It is made clear that the sale if any, of the

remaining plots by the second respondent shall not be treated as a closure of the project, if it is ultimately found that the findings of the first respondent are incorrect.

4. The learned counsel for the third respondent points out that there is a notification by the first respondent which clarifies that only new projects and on going projects as on 01.01.2020 are governed by the provisions of the Act. That is a matter to be considered by this court while hearing the writ petition finally.

List this matter for further consideration on 03.06.2020.

GOPINATH . P
JUDGE

SMA

APPENDIX

PETITIONERS EXHIBITS

EXHIBIT P1 - TRUE COPY OF THE PHOTOGRAPHS EVIDENCING LIE OF THE PROPERTY

EXHIBIT P2 - TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN RESPONDENTS 2 AND 3

EXHIBIT P3- TRUE COPY OF THE SALE DEED EXECUTED BETWEEN THE PETITIONERS AS WELL AS 2ND RESPONDENT

EXHIBIT P4 - TRUE COPY OF THE TAX RECEIPT ISSUED FROM THE VILLAGE OFFICE, VAZHAKKALA ON 7.5.19

EXHIBIT P5 - TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED FROM THE VILLAGE OFFICE,VAZHAKKALA

EXHIBIT P6 - TRUE PHOTOSTAT OF THE LOCATION SKETCH WITH CERTIFICATE NO.1806/2019 OF VAZHAKKALA VILLAGE DENOTING THE PROPERTY OWNED BY THE PETITIONERS

EXHIBIT P7 - PHOTOGRAPH EVIDENCING THE DEMOLITION OF THE COMPOUND WALL ON THE NORTHERN SIDE OF THE PROPERTY.

EXHIBIT P8 - TRUE PHOTOCOPY OF THE LETTER GIVEN BY THE SELLER TO THE MUNICIPALITY

EXHIBIT P9 - TRUE PHOTOSTAT COPY OF THE COMPLAINT NO.1 OF 2019 FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT WITHOUT EXTS.

EXHIBIT P10 - TRUE PHOTOSTAT COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT ON 21.11.19 IN W.P.C NO.31431/2019

EXHIBIT P11 - TRUE PHOTOSTAT COPY OF THE REMAINDER DTD 14.1.2020 SUBMITTED BEFORE THE 1ST RESPONDENTS

EXHIBIT P12 - TRUE PHOTOSTAT COPY OF THE ORDER DTD. 24.2.2020 PASSED BY THE 1ST RESPONDENT IN COMPLAINT NO.1/2019.