

Kerala High Court

The Travancore Devaswom Board vs State Of Kerala Represented By on 20 October, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 30863 of 2008(Y)

1. THE TRAVANCORE DEVASWOM BOARD,  
... Petitioner
2. ASSISTANT DEVASWOM COMMISSIONER,

Vs

1. STATE OF KERALA REPRESENTED BY  
... Respondent
2. DISTRICT COLLECTOR, ERNAKULAM.
3. TAHASILDAR, MOOVATTUPUZHA, ERNAKULAM
4. KOOOTHATTUKULAM CO-OPERATIVE HOSPITAL

For Petitioner :SRI.K.N.VENUGOPALA PANICKER, SC, TDB

For Respondent : No Appearance

The Hon'ble MR. Justice P.R.RAMAN

The Hon'ble MR. Justice T.R.RAMACHANDRAN NAIR

Dated :20/10/2008

O R D E R

P.R.Raman &  
T.R. Ramachandran Nair, JJ.

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W.P.(C).No.30863/2008-Y  
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Dated this the 20th day of October, 2008.

J U D G M E N T

Raman, J.

The petitioners, the Travancore Devaswom Board and another, claim that the property of 71 cents in Survey No.93/15B of Koothattukulam Village in Moovattupuzha Taluk belongs to them and they have produced Exts.P1 and P2 as primary documents of title and possession, and according to them this property has been treated as Puramboke land since 1983 and the land was given on lease to a Co-operative Society and whereupon a building is constructed and a hospital is run in the property. Thus, admittedly, the Co-operative Hospital is functioning in the building belonging to the Co-operative Society. According to the petitioner, there is a move for renewal of the lease in favour of the Society. He prays that the Government be restrained by an order not to renew the lease.

2. Heard the learned Standing Counsel for the Travancore Devaswom Board as also the learned Government Pleader. In the facts and W.P.(C).No.30863/2008 circumstances of this case, it can be seen that the dispute is purely a civil in nature and, necessarily, the question is as to whether the property made mention of in the writ petition belongs to the Devaswom or Government has to be decided. Thus, there is title dispute which has to be resolved by the ordinary remedy of the Civil suit and all such questions can be decided only after taking evidence. However, we make it clear that the renewal of the lease, if any, granted by the Government in favour of the Co-operative Hospital will not in any way take away or adversely effect the right, if any, of the petitioner. The petitioner may proceed to take re-course to the Civil Court for recovery of title and recovery of possession. With the above observation, this writ petition is disposed of.

(P.R. Raman, Judge.) (T.R. Ramachandran Nair, Judge.) ms