



2024:KER:10443

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945

WP(C) NO. 34824 OF 2014

PETITIONERS:

- 1 V.K. SANKARANKUTTY, [REDACTED]
[REDACTED]
- 2 J M MANOR FLAT OWNERS ASSOCIATION
J M MANOR, KALLOOR, COCHIN 17

BY ADV SRI.JACOB MATHEW MANALIL

RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM
- 2 SECRETARY, MINISTRY OF LAW AND
HOUSING , SECRETARIAT, TRIVANDRUM
- 3 INSPECTOR GENERAL OF REGISTRATION
OFFICE OF THE INSPECTOR GENERAL OF
REGISTRATION, TRIVANDRUM
- 4 THE DISTRICT REGISTRAR
DISTRICT REGISTRAR'S OFFICE, ERNAKULAM
- 5 SECRETARY, MUNICIPAL CORPORATION OF COCHIN,
COCHIN 11

BY ADVS
V.P.REJITHA (PUZHAKKALIDOM)
SRI. RAJEEV JYOTHISH GEORGE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, ALONG WITH WP(C)NOS.9317/2021, 18667/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN****TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945****WP(C) NO. 9317 OF 2021****PETITIONER:**

SHWAS HOMES PVT. LIMITED, GROUND FLOOR, SHWAS MYSTIC HEIGHTS-I, KANIYAMPUZHA ROAD, EROOR P.O, ERNAKULAM DISTRICT, PIN-682 306, REPRESENTED BY ITS DIRECTOR SREENI PARAMESWARAN.

BY ADVS.
S.VINOD BHAT
KUM.ANAGHA LAKSHMY RAMAN
SMT.GREESHMA CHANDRIKA.R

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF REGISTRATION, SECRETARIAT, THIRUVANANTHAPURAM-695 001
- 2 INSPECTOR GENERAL OF REGISTRATION, OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION, VANCHIYOOR, THIRUVANANTHAPURAM-695 035.
- 3 DEPUTY COLLECTOR, (DISASTER MANAGEMENT) (COMPETENT AUTHORITY UNDER THE APARTMENT OWNERSHIP ACT), KAKKANAD, COLLECTORATE, ERNAKULAM-682 030
- 4 THE SUB REGISTRAR, OFFICE OF THE SUB-REGISTRAR, TRIPUNITHURA-682 301
- 5 THE DISTRICT REGISTRAR, (REGISTRAR OF SOCIETIES UNDER THE TRAVANCORE COCHIN LITERARY SCIENTIFIC AND CHARITABLE SOCIETIES ACT), OFFICE OF THE DISTRICT REGISTRAR, ERNAKULAM.
- 6 MYSTIC HEIGHTS-3 APARTMENT OWNERS WELFARE ASSOCIATION, KANIYAMPUZHA ROAD, EROOR SOUTH P.O, REPRESENTED BY ITS SECRETARY, PIN-682 306



7 VISWANATH SANKAR, [REDACTED]
[REDACTED]

(R7 IS DELETED FROM PARTY ARRAY AS PER ORDER
DATED 25-10-2021 IN I.A. 3/2021)

*8 SECRETARY TO GOVERNMENT
KERALA STATE HOUSING BOARD, SECRETARIAT,
THIRUVANANTHAPURAM.
(ADDL R8 IS SUO MOTU IMPEADED AS PER ORDER DATED
18-03-2022 IN WP(C) 9317/2021)

BY ADVS.
JOHNSON GOMEZ
S.BIJU (KIZHAKKANELA)
JOHN GOMEZ
SREEDEVI S.
SANJITH JOHNSON
DINOOP P.D.
M.R.RAJENDRAN NAIR (SR.)
SRI.RAJEEV JYOTHISH GEORGE - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.02.2024, ALONG WITH WP(C)NO.34824/2014 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN****TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945****WP(C) NO. 18667 OF 2022****PETITIONERS:**

- 1 DANENDRAN GOPALAN, [REDACTED]
[REDACTED]
- 2 SONI JOHN, [REDACTED]
[REDACTED]

BY ADVS.
K.LATHA
M.UMA DEVI

RESPONDENTS:

- 1 THE REGISTRAR OF ASSURANCES, (DISTRICT REGISTRAR)
EMAKULAM, PERUMPALLIL BUILDINGS, M.G.ROAD,
ERNAKULAM-682011
- 2 THE WILLINGDON ENCLAVE OWNERS ASSOCIATION
(WEOA) DULY REPRESENTED BY ITS SECRETARY,
SHRI. M.S NAIR, B-1A, WILLINGDON ENCLAVE,
THEVARA FERRY ROAD, THEVARA, COCHIN 682013.
- 3 DEPUTY COLLECTOR, (DISASTER MANAGEMENT),
DISTRICT COLLECTORATE, FIRST FLOOR, CIVIL STATION,
KAKKANAD, ERNAKULAM, KERALA PIN-682030 (THE
COMPETENT AUTHORITY UNDER THE KERALA APARTMENT
OWNERSHIP ACT 1983)
- 4 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF REGISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM, KERALA-695001
- *5 ADDL.R5: DR.REJI MATHEW , 67 YEARS,
[REDACTED]



*6

ADDL.R6: GEORGE P.POOTHICOTE, [REDACTED]

*7

ADDL.R7: ABRAHAM K GEORGE , [REDACTED]

(ADDL R5 TO R7 ARE IMPEADED AS PER ORDER DATED
06-01-2023 IN IA 3/2022)

*8

MATHEW CHAKOLA, [REDACTED]

(ADDL R8 IS IMPEADED AS PER ORDER IN IA NO.1/2023
DATED 06.02.2024)

BY ADVS.
TARA PREM
LAL K.JOSEPH
Uma Devi
NISHA G.THARAMAL
SARIMOL KAREETHARA
P.MURALEEDHARAN (THURAVOOR)
T.A.LUXY
SURESH SUKUMAR
ANZIL SALIM
ADITHYA S. PUTHEZHATH
K.JAJU BABU (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.02.2024, ALONG WITH WP(C)NO.34824/2014 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945

WP(C) NO. 20630 OF 2021

PETITIONERS:

1 C.S.KUMAR, [REDACTED]
[REDACTED]

2 PRABHAKARAN THAZHATHEKALATHIL, [REDACTED]
[REDACTED]

BY ADV A.K.HARIDAS

RESPONDENTS:

1 THE STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF LAND REVENUE, THIRUVANANTHAPURAM-695 001.

2 THE COMPETENT AUTHORITY UNDER KAOA AND THE DEPUTY COLLECTOR (D AND M), DISTRICT COLLECTORATE, CIVIL STATION, KAKKANAD P.O., ERNAKULAM-682 030.

3 TATA REALTY AND INFRASTRUCTURE LTD., GOSHREE-PACHALAM LINK ROAD, MARINE DRIVE, KOCHI-682 018, REPRESENTED BY ITS MANAGER.

4 TRITVAM APARTMENT OWNERS ASSOCIATION, TRITVAM APARTMENTS, GOSHREE-PACHALAM LINK ROAD, MARINE DRIVE, KOCHI-682 018, REPRESENTED BY ITS SECRETARY.

5 SUNIL KUMAR, [REDACTED]
[REDACTED]

6 ASHOK GOPTNATH, [REDACTED]
[REDACTED]



*7 TRITVAM RESIDENTS WELFARE ASSOCIATION, HAVING REGISTERED OFFICE AT TRITVAM, GIDA ROAD, MARINE DRIVE, KOCHI REPRESENTED BY ITS SECRETARY, ASHRAF P.M
(ADDL R7 IS IMPEADED AS PER ORDER IN IA NO.1/2023 DATED 06.02.2024)

BY ADVS.
V.ABRAHAM MARKOS
JOHNSON GOMEZ
S.MUHAMMED HANEEFF
JOHN GOMEZ
SREEDEVI S.
S.BIJU (KIZHAKKANELA)
P.G.CHANDAPILLAI ABRAHAM
ALEXANDER JOSEPH MARKOS
SHARAD JOSEPH KODANTHARA
RAJANA JOSE
M.H.ASIF ALI
ARAVIND T. RAMESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, ALONG WITH WP(C)NO.34824/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 6TH DAY OF FEBRUARY 2024 / 17TH MAGHA, 1945

WP(C) NO. 21317 OF 2021

PETITIONERS:

- 1 KENT MAHAL APARTMENT OWNERS ASSOCIATION
INFOPARK KARIMUGAL ROAD, BRAHMAPURAM P.O,
PUTHEKURISH, VADAVUCODE, KERALA, PIN-682303.
REPRESENTED BY ITS SECRETARY, MR.JOMON A.,
AGED 43 YERARS, S/O GEORGE ABRAHAM, FLAT NO T3/8A1,
KENT MAHAL, INFOPARK KARIMUGAL ROAD, BRAHMAPURAM
P.O, PUTHENKURISH, VADAVUCODE, KERALA, PIN-682303.

- 2 KENT OAKVILLE APARTMENT OWNERS ASSOCIATION
ROOM KENT OAKVILE BENEDICT ROAD, VAZHAKALA, KOCHI,
PIN-682021, REPRESENTED BY ITS SECRETARY, RAJESH
CHUNDAYIL MADATHIL, AGED 42 YEARS, S/O K V KRISHNA
KUMAR, RESIDING AT ROYAL OAK, FLAT NO.4 A4, KENT
OAKVILLE BENEDICT ROAD, VAZHAKALA, KOCHI, PIN-
682021.

BY ADVS.
JOHNSON GOMEZ
S.BIJU (KIZHAKKANELA)
SANJAY JOHNSON
JOHN GOMEZ
SREEDEVI S.
ENLIN MARY RODRIGUS
MOHAMED SHEHARAN
DINOOP P.D.
SANJITH JOHNSON

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY
TO GOVERNMENT, DEPARTMENT OF REGISTRATION,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.

- 2 DEPUTY COLLECTOR (DISASTER MANAGEMENT), (COMPETENT
AUTHORITY UNDER THE APARTMENT OWNERSHIP ACT),
KAKKANAD COLLECTORATE, ERNAKULAM, PIN-682030.



- 3 KENT CONSTRUCTIONS PRIVATE LIMITED, DOOR NO.63/3441-A166 KENT HAIL GARDEN FIRS FLOOR, STADIUM LINK ROAD, NEAR JAWAHARLAL NEHRU INTL. STADIUM, PALARIVATTOM, KOCHI, KERALA-682025.
- 4 ADDL.R4. SECRETARY TO GOVERNMENT KERALA STATE HOUSING BOARD, SECRETARIAT, THIRUVANANTHAPURAM. (IS SUO MOTU IMPLEADED AS PER ORDER DATED 18-03-2022 IN WP(C) 21317/2021).
- *5 KERALA REAL ESTATE REGULATORY AUTHORITY, REPRESENTED BY ITS CHAIRMAN, 6TH FLOOR, TRINITY CENTRE, OPP CHAITHANYA EYE HOSPITAL, TC NO. 14/4354, KESAVADASAPURAM, PATTOM P.O , THIRUVANANTHAPURAM (ADDL R5 IS IMPLEADED AS PER ORDER IN IA NO.1/24 DATED 06.02.2024)

BY ADV C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.02.2024, ALONG WITH WP(C).34824/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

[WP(C) Nos.34824/2014, 9317/2021, 18667/2022, 20630/2021, 21317/2021]

This Court had passed an interim order in these batch of cases on 29.01.2024 which is self explanatory and is, therefore, extracted for ease of reading.

Prima facie, as matters now stand, the provisions of the Kerala Apartment Ownership Act, 1983 (the 'Act' for short), have not been made mandatory, as is evident from Section 2 thereof.

2. While some of the petitioners in this batch of matters require the 'Act' to be made compulsory; the others maintain that as long as it has not been made so, they cannot be forced to sign declarations, or their apartments brought under its ambit without their juncture.

3. Learned Government Pleader – Sri.Rajeev Jyothish George, submitted that this controversy has already caught the attention of the Government and that they have constituted a Committee to decide whether the 'Act' should be made mandatory, by amending Section 2. He submitted that, if the petitioners are so interested, they can be given an opportunity of being heard by the said Committee.

4. The learned counsel for the petitioners in W.P. (C).Nos.34824/2014, 21317/2021 and 18667/2022 submitted that, they would be happy to be given an opportunity of being heard by the Committee, so that they could place their objections before the same; while the learned counsel for the petitioners in other writ petitions submitted that, their assertions are only that as long as the statute is not made mandatory, registration cannot be allowed without the juncture of all the owners.

5. In the afore circumstances, I direct the learned Government Pleader to obtain instructions from the respondents as to when the Committee has scheduled its next meeting, so that the willing petitioners in these cases can be heard.

List for further consideration on 06.02.2024.

2. Today, the learned Government Pleader – Sri.Rajeev



Jyothish George, submitted that the Government has constituted a High Level Committee to identify and rectify discrepancies, if any, between the Apartment Ownership Act, 1983 and Real Estate Regulatory Authority Act, 2016; and that it is scheduled to meet on 22.02.2024. He explained that the Convener of the Committee is the Secretary of the Real Estate Regulatory Authority ('RERA'); and that all the petitioners, as well as any other citizen, can approach it with their recommendations, so that they can look into the same, particularly from the angle of deciding whether the Apartment Ownership Act, 1983, must be made mandatory; and as to the points of conflict, if any, between the said Act and the Real Estate Regulatory Authority Act, 2016.

3. Sri.Jacob Mathew Manalil and Sri.Johnson Gomez – learned counsel appearing for some of the petitioners in these cases, submitted that their clients are willing to appear before the Committee and place their suggestions for its consideration; however, arguing vehemently that, even going by the Apartment Ownership Act, 1983, *de hors* Section 2 thereof, it is obvious that it has the nature of being mandatory for all Apartment Complexes.



They, however, acceded that Section 2, as it presently stands in the Apartment Ownership Act, 1983, causes some concern; and therefore, prayed that liberty be reserved to their clients to approach this Court again, in future, if it becomes so warranted.

4. Sri.Vinod Bhat and Sri.A.K.Haridas – learned counsel appearing for some of the other petitioners – who opposes the registration of apartments under the Apartment Ownership Act, 1983, without their juncture – also submitted that they will use the opportunity to appear before the Committee and impress upon them the need for retaining Section 2 as is presently available; further arguing that there is no dispute between the Apartment Ownership Act, 1983 and the ‘RERA’ Act. They prayed that the interim order granted by this Court in their respective Writ Petitions be maintained, until such time as the recommendations of the Committee are considered by the Government and appropriate orders issued.

5. It is thus obvious from the afore rival positions adopted by the various counsel that, as matters now stand, the issues impelled in these Writ Petitions are under the consideration of the



Government of Kerala, for which, they have constituted the afore High Level Committee. The question whether the Apartment Ownership Act, 1983, is mandatory, or to be deemed to be mandatory; and whether, as per its present tenor, registrations can be allowed without the junction of all the owners of apartments, are issues which certainly will have to be considered by the Committee, taking note of the rival and dialectical versions to be placed by them before the various stakeholders. It would not be, therefore, prudent for this Court to enter into it at this time and answer these issues one way or the other; though I am of the firm view that certain specific time frames will have to be fixed, for the Committee to make their recommendations and for the Government to consider further actions, including the amendment of the Act, as may be warranted.

In the afore circumstances, with the consent of both sides, I dispose of these Writ Petitions in the following manner:

a) I leave liberty to the petitioners in these cases, as also any other person who may be interested, to appear before the Committee on 22.02.2024 and in the subsequent meetings and



present their versions, including suggestions before it, in a written form, to be presented through its Convener.

b) The Committee will – on receipt of the afore suggestions and after fixing a time frame for completion of same, which shall be a minimum of two weeks after 22.02.2024 – deliberate upon the issues, after hearing every necessary party and will take a final decision as to the recommendations to be made before the Government, viz a viz, the points of reference given to them. A final report in this regard, containing their recommendations, shall be placed by the Committee before the Government within a period of three months from 22.02.2024.

c) The Government, on receiving the recommendations from the Committee, will consider the same and take a final decision, including as to the amendment to be carried out with respect to the relevant legislations, or to any modifications/requirements to be brought in, leading to appropriate action being completed on it, as expeditiously as is possible, but not later than three months thereafter. In the event any amendment is found warranted, action for same shall be completed; for which purpose, an additional two



months is hereby granted.

d) Until such time as the afore is completed and necessary orders issued by the Government in terms of directions (c) above, the interim order granted in these cases will continue to be in force; with a further clarification that any registration of declarations made under the Apartment Ownership Act, 1983, without the consent and concurrence of all owners, as far as WP(C)No.9317/202 is concerned, will not visit the petitioners therein or any other unwilling person, with any coercive consequences. This will, however, depend upon the final decision to be taken by the Government in terms of the afore directions.

e) Needless to say, the liberty of the petitioners to approach this Court for any valid reason, either during the pendency of the afore ordered exercise or thereafter, are left open; for which purpose, all rival contentions are also left undecided.

Sd/-

RR

DEVAN RAMACHANDRAN
JUDGE

**APPENDIX OF WP(C) 9317/2021**

PETITIONER EXHIBITS

- EXHIBIT P1 COPY OF SALE DEED NO. 356/1/2013 DATED 06.02.2013.
- EXHIBIT P2 COPY OF LETTER NO. D4/8828/2017 DATED 11.10.2017 ISSUED BY 3RD RESPONDENT.
- EXHIBIT P3 COPY OF LETTER DATED 13.11.2017 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXHIBIT P4 COPY OF THE ORDER DATED 13.04.2018 IN W.P.C NO. 6988/2018 OF HIGH COURT OF KERALA.
- EXHIBIT P5 COPY OF PETITION I.A. 9134/2018 IN W.P.C NO. 6988/2018 OF HIGH COURT OF KERALA.
- EXHIBIT P6 COPY OF THE LETTER DATED 15.10.2018 SENT BY THE PETITIONER TO THE SUB REGISTRAR, TRIPUNITHURA.
- EXHIBIT P7 COPY OF ORDER DATED 28.11.2019 IN W.P.C NO. 23281/2019 OF HIGH COURT OF KERALA.
- EXHIBIT P8 COPY OF THE JUDGMENT DATED 13.11.2014 IN W.P.C NO. 15790/2006 OF HIGH COURT OF KERALA.
- EXHIBIT P9 COPY OF APPLICATION DATED 28.11.2020 SENT BY THE PETITIONER TO THE INFORMATION OFFICER, SUB REGISTRAR'S OFFICE, TRIPUNITHURA.
- EXHIBIT P9(A) COPY OF THE REPLY NO. RTI.67/2020 DATED 21.12.2020 FROM STATE PUBLIC INFORMATION OFFICER, TRIPUNITHURA.
- EXHIBIT P9(B) COPY OF CIRCULAR NO. R.R.(6)-30383/2015 DATED 23.06.2018 OF REGISTRATION INSPECTOR GENERAL , THIRUVANANTHAPURAM.
- EXHIBIT P9(C) COPY OF REGISTERED FLOOR PLAN OF MYSTIC HEIGHTS III.
- EXHIBIT P10 COPY OF LETTER DATED 08.03.2021 SENT BY THE PETITIONER TO THE INFORMATION OFFICER (DEPUTY COLLECTOR, DISASTER MANAGEMENT), KAKKANAD.
- EXHIBIT P10(A) COPY OF LETTER NO. 8828/17/D4 DATED 16.03.2021 ISSUED BY PUBLIC INFORMATION OFFICER AND JUNIOR SUPERINTENDENT, DISASTER MANAGEMENT, COLLECTORATE, ERNAKULAM.
- EXHIBIT P10(B) COPY OF CERTIFICATE OF REGISTRATION NO. 8828/2017/D4 DATED MARCH, 2021.
- EXHIBIT P11 COPY OF FORM A OF DECLARATION UNDER



- SECTION 5(2), READ WITH SECTION 11(1) OF KERALA APARTMENT OWNERSHIP ACT, 1983.
- EXHIBIT P11(A) COPY OF FORM B OF DEED OF APARTMENT.
- EXHIBIT P11(B) COPY OF PLAN OF MYSTIC HEIGHTS III.
- EXHIBIT P11(C) COPY OF LIST OF APARTMENT OWNERS (MYSTIC HEIGHTS III APARTMENT).
- EXHIBIT P12 COPY OF COMPLETE PLAN.
- RESPONDENT EXHIBITS
- Exhibit R6-A A TRUE COPY OF THE AGREEMENT FOR SALE DATED 27TH FEBRUARY 2008 ENTERED INTO BETWEEN THE PETITIONER AND ONE OF THE APARTMENT OWNERS
- Exhibit R6 B A TRUE COPY OF THE CONSTRUCTION AGREEMENT DATED 27TH FEBRUARY 2008 ENTERED INTO BETWEEN THE PETITIONER AND ONE OF THE APARTMENT OWNER
- Exhibit R6 C A TRUE COPY OF THE APPROVED SITE PLAN PRODUCED BEFORE THE TRIPUNITHURA MUNICIPALITY FOR OBTAINING BUILDING PERMIT NO BA 49/07-08 DATED 14/4/08 DATED 14/4/2007
- Exhibit R6D A TRUE COPY OF THE APPROVED FLOOR PLAN OF FLOOR NO 1 TO 17 IS PRODUCED BEFORE THE TRIPUNITHURA MUNICIPALITY FOR OBTAINING BUILDING PERMIT NO BA-49/07-08 DATED 14/4/2007
- Exhibit R6E A TRUE COY OF THE APPROVED FLOOR PLAN OF FLOOR NO 18 IS PRODUCED BEFORE THE TRIPUNITHURA MUNICIPALITY FOR OBTAINING BUILDING PERMIT NO BA 49/07/08 DATED 14/4/2007



APPENDIX OF WP(C) 18667/2022

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF BYE LAWS OF THE WILLINGDON ENCLAVE OWNERS ASSOCIATION.
- Exhibit P2 THE TRUE COPY OF A SPREADSHEET DISPLAYING THE MAINTENANCE CHARGES PAID BY EACH APARTMENT.
- Exhibit P3 TRUE COPY OF SALE DEED NO. 1484 OF 1998.
- Exhibit P4 TRUE COPY OF THE JOINT RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE B AND C BLOCK DATED 13TH APRIL, 2022
- Exhibit P5 TRUE COPY OF THE EMAIL DATED 22/9/2022 ISSUED BY MR.TISSAN THACHANKARY TO THE MANAGER OF THE 2ND RESPONDENT
- Exhibit P6 TRUE COPY OF THE EMAIL DATED 14TH SEPTEMBER, 2022 ISSUED BY MR.GEORGE POOTHICODE TO THE 2ND RESPONDENT
- Exhibit P7 TRUE COPY OF EMAIL DATED 14/9/2022 ISSUED BY MR.MOTI JACOB TO THE 2ND RESPONDENT

RESPONDENT EXHIBITS

- Exhibit R5(a) TRUE COPY OF THE COMMUNICATION DATED 12/10/2022

**APPENDIX OF WP(C) 20630/2021**

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF SALE DEED OF THE 1ST PETITIONER WITH 3RD RESPONDENT DATED 17.08.2020.
- Exhibit P2 TRUE COPY BUYERS AGREEMENT DATED 25.06.2014 BETWEEN 2ND PETITIONER AND 3RD RESPONDENT.
- Exhibit P3 TRUE COPY OF THE BYE-LAWS OF 4TH RESPONDENT.
- Exhibit P4 TRUE COPY JUDGMENT OF THIS HON'BLE COURT DATED 18.11.2020 IN WPC NO.24053/2020.
- Exhibit P5 A TRUE COPY OF CERTIFICATE PROPERLY ISSUED BY 2ND RESPONDENT OF FILING FORM A/B ISSUED BY 2ND RESPONDENT 18.12.2020.
- Exhibit P6 ORDER DATED 25.01.2021 IN RP NO.69 OF 2021 RESTORING WPC 24053 OF 2020 FOR FURTHER ADJUDICATION.
- Exhibit P7 INTERIM ORDER DATED 25.01.2021 PASSED BY THIS HON'BLE COURT IN WPC NO.24053/2020 FOR ISSUING CERTIFICATE OF FILING FORM A/FORM-B BY 2ND RESPONDENT.
- Exhibit P8 TRUE COPY OF DISPUTED CERTIFICATE OF REGISTRATION ISSUED BY 2ND RESPONDENT IN FAVOUR OF 4TH RESPONDENT ALLEGEDLY UNDER KAOA.
- Exhibit P9 FINAL ORDER DATED 10.03.2021 PASSED BY THE HON'BLE COURT IN WPC NO.24053 OF 220 CLOSING THE PETITION.
- Exhibit P10 COPY OF THE COMPLAINT FILED BY 4TH RESPONDENT HEREIN DATED 05.04.2021 BEFORE RERA FOR REGISTRATION UNDER KAOA.
- Exhibit P11 TRUE COPY OF THE E-MAIL SENT BY 5TH RESPONDENT TO THE OWNERS AND ALLOTTEES DATED 05.04.2021.
- Exhibit P12 TRUE COPY OF THE INTERIM REPORT OF 4TH RESPONDENT DATED 03.06.2021 BY 5TH RESPONDENT CLAIMING REGISTRATION UNDER KAOA.
- Exhibit P13 CERTIFICATE OF REGISTRATION OF MYSTIC HEIGHTS 3 APARTMENT OWNERS ASSOCIATION ALLEGEDLY UNDER KAOA IN WHICH 5TH RESPONDENT HAVE INTEREST.

**APPENDIX OF WP(C) 21317/2021**

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE RELEVANT PAGES OF DECLARATION IN FORM A ANNEXED WITH FORM E DATED 25/08/2021 FILED BY SECRETARY OF PETITIONER NO.1.
- Exhibit P2 A TRUE COPY OF THE DEED OF APARTMENT OF FORM B FILED BY SECRETARY OF PETITIONER NO.1.
- Exhibit P3 A TRUE COPY OF THE BYE LAW DATED 28/06/2021 APPROVED BY THE APARTMENT OWNERS OF KENT MAHAL APARTMENT COMPLEX THAT CONFIRMS THE PROVISIONS OF SECTION 16 OF THE KAOA.
- Exhibit P4 A TRUE COPY OF THE RELEVANT PAGES OF DECLARATION IN FORM A ANNEXED WITH FORM E DATED 16/09/2021 FILED BY SECRETARY OF PETITIONER NO.2.
- Exhibit P5 A TRUE COPY OF THE RELEVANT PAGES OF THE DEED OF APARTMENT DATED 16.09.2021 IN FORM B FILED BY SECRETARY OF PETITIONER NO.2.
- Exhibit P6 A TRUE COPY OF THE BYE LAW APPROVED BY THE APARTMENT OWNERS OF KENT OAKVILLE APARTMENT THAT CONFIRMS THE PROVISIONS OF SECTION 16 OF THE KAOA.
- Exhibit P7 A TRUE COPY OF THE RECEIPT DATED 07.09.2021 ISSUED BY THE RESPONDENT NO.2 TO THE PETITIONER NO.1.
- Exhibit P8 A TRUE COPY OF THE RECEIPT DATED 20.09.2021 ISSUED BY THE RESPONDENT NO.2 TO THE PETITIONER NO.2.
- Exhibit P9 A TRUE COPY OF THE LETTER DATED 27/08/2021 SUBMITTED BY THE PETITIONER NO.1 BEFORE THE RESPONDENT NO.2
- Exhibit P10 A TRUE COPY OF THE LETTER DATED 20/09/2021 SUBMITTED BY THE PETITIONER NO.2 TO THE RESPONDENT NO.2.
- Exhibit P11 A TRUE COPY OF THE ORDER DATED 13.04.2018 PASSED BY THE HONOURABLE HIGH COURT OF KERALA IN WPC NO.6988/2018.
- Exhibit P12 A TRUE COPY OF THE JUDGMENT DATED 10TH MARCH 2021 PASSED BY THIS HONOURABLE COURT IN WPC NO.24053 OF 2020.
- Exhibit P13 A TRUE COPY OF THE LETTER DATED 30.10.2021 ISSUED BY THE RESPONDENT N.3 TO THE



- PETITIONER NO.2.
- Exhibit P14 A TRUE COPY OF THE CERTIFICATE OF REGISTRATION UNDER THE KAOA ISSUED BY RESPONDENT NO.2 TO TRITVAM APARTMENT OWNERS ASSOCIATION.
- Exhibit P15 A TRUE COPY OF THE CERTIFICATE NO.8828/2017/D4 DATED FEBRUARY 2021 ISSUED BY THE RESPONDENT NO.2 TO MYSTIC HEIGHTS-3.
- Exhibit P16 A TRUE COPY OF THE COURT STATUS IN WPC NO.9317 OF 2021 FROM THE WEBSITE OF THE KERALA HIGH COURT.
- Exhibit P17 A TRUE COPY OF THE RECEIPT NO.D4-428227/2021/TDCEKM DATED 07/09/2021 ISSUED BY RESPONDENT NO.2 TO PETITIONER NO.1.
- Exhibit P18 A TRUE COPY OF THE RECEIPT NO.D4-432598/2021/T DC EKM DATED 20/09/2021 ISSUED BY RESPONDENT NO.2 TO PETITIONER NO.2.
- Exhibit P19 A TRUE COPY OF THE RECEIPT NO.D4-448910/2021/T DC EKM DATED 09/11/2021 ISSUED BY RESPONDENT NO.2 TO PETITIONER NO.2.
- Exhibit P20 A TRUE COPY OF THE LETTER DATED 29/11/2021 SUBMITTED BY PETITIONER NO.1 TO RESPONDENT NO.2.
- Exhibit P21 A TRUE COPY OF THE LETTER DATED 29/11/2021 SUBMITTED BY PETITIONER NO. 1 TO RESPONDENT NO.2.



2024:KER:10443

WPC 34824/14 & connected

22

APPENDIX OF WP(C) 34824/2014

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE CIRCULAR FROM
2ND RESPONDENT DATED 01-08-2011

EXHIBIT P2 TRUE COPY OF THE REPORT IN
MALAYALA MANORAMA DAILY