



2026:KER:33579

WP(C) NO. 15842 OF 2026

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE EASWARAN S.

TUESDAY, THE 5TH DAY OF MAY 2026 / 15TH VAISAKHA, 1948

WP(C) NO. 15842 OF 2026

PETITIONER/S:

MOIDEENKUTTY
AGED 56 YEARS
SON OF ENDHEENKUTTY, VETTIKATTU HOUSE, TIRUR
TALUK, ATHAVANAD VILLAGE, ATHAVANAD P.O., TIRUR,
MALAPPURAM DISTRICT, KERALA,, PIN - 676301

BY ADVS.
SHRI.LUKE J CHIRAYIL
SHRI.ZAINUDHEEN P.
SMT.CHITHRA C.EDADAN
SHRI.JACOB VICTOR
SMT.NEHA RAMAKRISHNAN
SHRI.A.R.THEJAS KRISHNA
SHRI.ASWANTH S. P.

RESPONDENT/S:

- 1 THE KERALA STATE MINORITY COMMISSION
ANJANEYA, T.C.9/1023(2), SASTHAMANGALAM,
THIRUVANANTHAPURAM DISTRICT, KERALA, ,
REPRESENTED BY ITS MEMBER SECRETARY, PIN - 695010
- 2 ABDUL SALAM
AGED 53 YEARS
SON OF ABDUL AZIZ, KANNAMTHODY HOUSE,
PERINTHALMANNA TALUK, MOORKKANAD AMSHAM,
PUNNAKKAD, KOLATHOOR P.O., MALAPPURAM DISTRICT,



2026:KER:33579

WP(C) NO. 15842 OF 2026

2

KERALA, PIN - 679338

- 3 THE SUB COLLECTOR
TIRUR, MALAPPURAM DISTRICT, KERALA, PIN - 676101
- 4 THE TAHSILDAR
TIRUR TALUK OFFICE, TIRUR, MALAPPURAM DISTRICT,
KERALA, PIN - 676101
- 5 THE DISTRICT POLICE CHIEF
MALAPPURAM DISTRICT, KERALA, PIN - 676101
- 6 THE DEPUTY SUPERINTENDENT OF POLICE
DYSP OFFICE, TIRUR, MALAPPURAM DISTRICT, KERALA,
PIN - 676101
- 7 THE STATION HOUSE OFFICER
VALANCHERRY POLICE STATION, MALAPPURAM DISTRICT,
KERALA, PIN - 676101

BY ADVS.

SHRI.JIBU P THOMAS
SRI.NAGRAJ NARAYANAN FOR R1
SRI.SAIJO HASSAN FOR
SHRI.RAJESH BABU T.
SHRI.BAPPU GALIB SALAM
SMT.ALIYA MUHAMMED SHADULI
SMT.SNEHA SABU

OTHER PRESENT:

SRI.B S SYAMANTHAK, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05.05.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:99



2026:KER:33579

WP(C) NO. 15842 OF 2026

3

EASWARAN S., J.

‘C.R’

WP(C) No.15842 of 2026

Dated this the 5th day of May, 2026

J U D G M E N T

A peculiar case has arisen for consideration which warrants immediate attention of this Court and hence the matter is taken up on board for final consideration during the vacation sitting.

2. Two sale deeds were executed by the petitioner in favour of the second respondent. Petitioner claims that despite Exts.P1 and P2, he continues to be in occupation of the residential property covered by the said documents and further has got a case that the documents are executed by exerting undue influence and fraud. The second respondent invoked the jurisdiction of the Kerala State Minority Commission (first respondent) by filing Ext.P3 application praying that action be taken to evict the petitioner from the residential property covered by Exts.P1 and P2. Despite lacking jurisdiction to entertain the complaint in terms of the provisions contained under the Kerala State



2026:KER:33579

WP(C) NO. 15842 OF 2026

4

Commission for Minorities Act, 2014, the first respondent appears to have proceeded to pass Ext.P4 order directing to evict the petitioner from the premises and issued Ext. P5 communication to the respondents 4, 6 & 7 for taking such action for evicting the petitioner. Accordingly, the fourth respondent has issued Ext. P6 notice requiring the petitioner to vacate the premises. It is stated that the petitioner has since been evicted from the premises after taking inventory as evident from Ext.P7.

3. On 24.04.2026, this Court had issued notice to respondents 1 and 2 by special messenger. Respondents 1 and 2 have appeared before this Court.

4. Though the second respondent vehemently asserted before this Court that the first respondent has got requisite jurisdiction to entertain Ext.P3 complaint and order eviction of the petitioner from the property, he was unable to show before this Court any such specific provision under the Kerala State Commission for Minorities Act, 2014.

5. Heard Sri. Luke J. Chirayil, the learned counsel appearing for the petitioner, Sri.Nagaraj Narayanan, the learned Standing Counsel



for the first respondent, the learned counsel appearing for the second respondent and the learned Government Pleader appearing for respondents 3 to 7.

6. Kerala State Commission for Minorities Act, 2014 was enacted to constitute a State Commission for the comprehensive educational advancement, welfare, protection and empowerment of Minorities and to provide the matters connected therewith or incidental thereto. Section 9 deals with the functions of the Commission. A close reading of Section 9 would show that the Commission shall have the following powers:

“9. Functions of the Commission.—The Commission shall perform the following functions, namely:—

(a) to evaluate the progress of the development of minorities in the State;

(b) to enquire and monitor the manner of functioning of various safeguards provided, in the Constitution of India or under any other law or under any order of the Government, for the welfare, protection and empowerment of the minorities in Kerala;

(c) to enquire in to specific complaints about



deprivation of social, economic, educational and linguistic rights, safeguards and benefits of the minorities, to bring such matters into the notice of authorities concerned, to suggest remedial measures and to monitor the follow-up actions thereon;

(d) to participate in and give creative suggestions on, the planning programmes for the educational, social and economic development of the minorities;

(e) to make recommendations as to the steps to be taken by the Government for the effective implementation of the measures and safeguards for the educational, social and economic development, welfare and protection of the minorities and to make report to the Government either annually or at such other time, as the Commission may deem fit and to monitor their timely implementation;

(f) to cause studies to be undertaken into various problems arising out of discrimination towards minorities and recommend measures for their removal;

(g) to conduct studies, research and analysis and to organize seminars, symposium and awareness classes on the issues relating to social, economic and educational advancement of minorities;

(h) to suggest appropriate measures to be adopted by the



Government in respect of minority;

(i) to submit report to the Government periodically or specially, on any matter pertaining to minorities, particularly in respect of difficulties being faced by them and their remedial measures;

(j) to discharge such other functions in relation to the protection, welfare, development and advancement of the minorities, as may be prescribed;

(k) to take necessary steps to ensure the representation of minorities proportionate to their population in various employment projects and social development projects;

(l) to ensure the efficient functioning of the law and order system in communal conflict prone areas and to bring lapses to the notice of the Government;

(m) any other matter pertaining to minorities, entrusted by the Government.”

7. A reading of the Preamble of the Act would clearly show the purpose of establishment of the Commission. Read as may, this Court could not find any such power which would enable the first respondent to pass orders in the nature of Ext.P4. Ideally, the first respondent ought to have desisted from entertaining complaint in the



nature of Ext P3. That apart, the grievance of the second respondent as evident from Ext.P3, does not relate to any of the purposes for which the Commission was constituted. Though he may have a case that notwithstanding Exts.P1 and P2 sale deeds, the petitioner continues to occupy the premises, the remedy of the second respondent is to invoke the jurisdiction of a competent civil court. Rather what is attempted is to bypass the civil remedy by filing an application before the Commission and that the Commissioner has overstepped its jurisdiction and issued Ext.P4 order requiring the petitioner to be evicted from the premises.

8. When this Court raised a specific query to the learned counsel appearing for the first respondent that under what authority the first respondent proceeded to entertain Ext.P3 complaint, it is submitted that Section 9(c) enables the Commission to pass orders in the nature of Ext.P4.

9. This Court is unable to subscribe to the above contention for the simple reason that, clause (c) of Section 9 cannot confer



2026:KER:33579

WP(C) NO. 15842 OF 2026

9

jurisdiction on the Commission to evict a person belonging to a minority community bypassing the jurisdiction of a civil court. Clause (e) of Section 9 delineates the power of the Commission and makes it clear that it has power only to make recommendations to the Government on the subjects mentioned therein.

10. Section 11 provides that the State Government shall cause reports referred to under clause (e) of Section 9 to be laid before the Legislative Assembly explaining the action taken or proposed to be taken thereon or reasons if any for non-acceptance of the recommendations. Therefore, it is beyond one's comprehension as to how the first respondent proceeded to consider the complaint and pass orders on the same. Such exercise is certainly colourable and liable to interfered with.

11. Still further, the extent of overstepping of the jurisdiction of the Commissioner is evident from the fact that the Commissioner has gone ahead and instructed the revenue authorities as well as the police authorities to take such steps to evict the petitioner. The aforesaid action



2026:KER:33579

WP(C) NO. 15842 OF 2026

10

is clearly without jurisdiction and hence void and liable to be interfered with by this Court.

12. The learned counsel appearing for the second respondent however made a fervent attempt to sustain the impugned orders by stating that his client is suffering from various ailments and that equity stands in his favour. However, this Court is unable to subscribe to his submission, especially since equity follows law and not otherwise. Equitable consideration cannot overweigh the lack of jurisdiction on the first respondent to entertain a complaint in the nature of Ext. P3. Therefore, it is inevitable for this Court to hold that the Commissioner has exceeded its jurisdiction which warrants interference by this Court.

13. Accordingly, the writ petition stands allowed. Exts.P4, P5 and P6 are quashed. It is declared that Ext.P3 application is not maintainable before the first respondent. Respondents 3 to 7 shall take such action to put the petitioner in possession of the property within two days from the date of receipt of a copy of the judgment. It is made clear that the second respondent is at liberty to approach the competent civil



2026:KER:33579

WP (C) NO. 15842 OF 2026

11

court for getting back the possession of the property.

Sd/-
EASWARAN S.
JUDGE

jg



2026:KER:33579

WP(C) NO. 15842 OF 2026

12

APPENDIX OF WP(C) NO. 15842 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SALE DEED DATED 24.08.2020 NUMBERED AS DOCUMENT NO. 1788/2020 ON THE FILES OF KUTTIPURAM S.R.O. AT MALAPPURAM DISTRICT
- Exhibit P2 TRUE COPY OF THE SALE DEED DATED 09.12.2020 NUMBERED AS DOCUMENT NO. 326/2021 ON THE FILES OF KUTTIPURAM S.R.O. AT MALAPPURAM DISTRICT
- Exhibit P3 TRUE COPY OF THE COMPLAINT DATED 24.01.2026 NUMBERED AS COMPLAINT NO. 123 PREFERRED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT
- Exhibit P4 TRUE COPY OF THE ORDER DATED 09.02.2026 ISSUED BY THE FIRST RESPONDENT
- Exhibit P5 TRUE COPY OF THE ORDER DATED 26.02.2026 NUMBERED AS RDOTIR/28/2026-A1
- Exhibit P6 TRUE COPY OF THE ORDER DATED 12.03.2026 NUMBERED AS FILE NO. TLKTIR/669/2026-J3
- Exhibit P7 TRUE COPY OF THE MAHAZAR DATED 22.04.2026 EVIDENCING EXECUTION OF EXT.P4 ORDER
- Exhibit P8 TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER DATED 19.03.2026 ISSUED BY EMS MEMORIAL CO-OPERATIVE HOSPITAL AND RESEARCH CENTRE LTD., PERINTHALMANNA