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W.A.No.1138 of 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 4<sup>TH</sup> DAY OF JUNE 2026 / 14TH JYAISHTA, 1948

WA NO. 1138 OF 2026

AGAINST THE JUDGMENT DATED 05.05.2026 IN WP(C)  
NO.15842 OF 2026 OF HIGH COURT OF KERALA

APPELLANT/2ND RESPONDENT:

ABDUL SALAM  
AGED 56 YEARS  
SON OF ABDUL AZIZ, KANNAMTHODY HOUSE,  
PERINTHALMANNA TALUK, MOORKKANAD AMSHAM,  
PUNNAKKAD, KOLATHOOR P.O., MALAPPURAM DISTRICT,  
KERALA, PIN - 679338

BY ADVS. SHRI.RAJESH SIVARAMANKUTTY  
SHRI.RAJESH BABU T.

RESPONDENTS/PETITIONER & RESPONDENTS 1 AND 3 TO 7:

- 1 MOIDEENKUTTY  
AGED 56 YEARS  
SON OF ENDHEENKUTTY, VETTIKATTU HOUSE, TIRUR  
TALUK, ATHAVANAD VILLAGE, ATHAVANAD P.O., TIRUR,  
MALAPPURAM DISTRICT, KERALA, PIN - 676301
- 2 THE KERALA STATE MINORITY COMMISSION  
ANJANEYA, T.C.9/1023(2), SASTHAMANGALAM,  
THIRUVANANTHAPURAM DISTRICT, KERALA,  
REPRESENTED BY ITS MEMBER SECRETARY, PIN - 695010
- 3 THE SUB COLLECTOR  
TIRUR, MALAPPURAM DISTRICT, KERALA, PIN - 676101
- 4 THE TAHSILDAR  
TIRUR TALUK OFFICE, TIRUR, MALAPPURAM DISTRICT,



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KERALA, PIN - 676101

- 5 THE DISTRICT POLICE CHIEF  
MALAPPURAM DISTRICT, KERALA, PIN - 676101
- 6 THE DEPUTY SUPERINTENDENT OF POLICE  
DYSO 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  
SMT.SNEHA SABU  
SRI.B.N.UNNIKRISHNA KAIMAL, SR.GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
04.06.2026, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



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## JUDGMENT

**PREETA A.K., J.**

The appellant is the 2<sup>nd</sup> respondent in the writ petition. The writ petition was filed by the 1<sup>st</sup> respondent herein challenging Ext.P4 order passed by the 2<sup>nd</sup> respondent on the ground that the 2<sup>nd</sup> respondent, Kerala State Minority Commission, lacks jurisdiction to pass Ext.P4 order.

2. The case of the 1<sup>st</sup> respondent/writ petitioner is that Exts.P1 and P2 sale deeds executed by the 1<sup>st</sup> respondent in favour of the appellant, though registered sale deeds, were not actually intended to be acted upon and the same was null and void. The 1<sup>st</sup> respondent and the appellant, according to the 1<sup>st</sup> respondent, were involved in real estate business and the document was executed as a security in their business deal. It is further contended that after more than 6 years since execution of Exts.P1 and P2, the appellant approached 2<sup>nd</sup> respondent Commission, and vide Ext.P4 order, the Commission taking into consideration the report of the 7<sup>th</sup> respondent, passed an order directing the respondents therein to evict the 1<sup>st</sup> respondent and hand over the property to the appellant. There was also a further direction to the 6<sup>th</sup> respondent to provide sufficient police protection, if so requested, by the jurisdictional authorities.

3. It is seen from the records that, acting on Ext.P3, the 3<sup>rd</sup>



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respondent had issued orders for removing the 1<sup>st</sup> respondent from the property and pursuant thereto, the 4<sup>th</sup> respondent published Ext.P6 notice requiring the 1<sup>st</sup> respondent to vacate the premises within seven days from the date of notice. Thereafter, as Exts.P3 to P6 were not acted upon by the 1<sup>st</sup> respondent, he was evicted from the premises on 22/04/2026. It was under such circumstances that the writ petition was filed challenging Ext.P4 order.

4. Notice was taken out to the appellant herein by special messenger and the learned Single Judge, after hearing both sides, passed the judgment impugned herein holding that the 2<sup>nd</sup> respondent does not have jurisdiction to pass an order in the nature of Ext.P4 and accordingly the same was quashed. It was declared that Ext.P3 application was not maintainable before the Kerala State Minority Commission. There was a further direction to respondents 3 to 7 herein to put the 1<sup>st</sup> respondent in possession of the property within two days from the date of receipt of a copy of the judgment. Liberty was also granted to the appellant herein to approach the competent civil court for recovery of possession of the property. Aggrieved by the said judgment, the appellant preferred this writ appeal.

5. The grievance highlighted by the appellant in this writ appeal is that he had approached the Civil Court in O.S. No.118/2026 seeking declaration of his right, title and interest over the residential



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property and that, vide I.A. No.2/2026, the District Judge, Manjeri, had passed an order of *ad interim* injunction restraining the 1<sup>st</sup> defendant and his men from causing any disturbance to the peaceful possession of the property, a copy of which has been produced along with this appeal as Annexure A. The contention of the appellant is that, having obtained interim reliefs from a competent civil court, the direction in the impugned judgment to the statutory authorities to put 1<sup>st</sup> respondent in possession of the property, is not sustainable in law.

6. Heard both sides.

7. The learned Single Judge allowed the writ petition by taking note of the legal provisions and considering the relevant statutory provisions and interpreting Section 9(c) of the Kerala State Commission for Minorities Act, 2014. In particular, he found that clause (c) of Section 9 does not confer jurisdiction on the Commission to evict a person belonging to a minority community bypassing the jurisdiction of a civil court.

8. On a perusal of the provisions of the Kerala State Commission for Minorities Act, 2014, we find that the learned Single Judge was perfectly justified in holding that the 2<sup>nd</sup> respondent had no jurisdiction to interfere in the matter and that the remedy available to the appellant was to approach a civil court and seek appropriate reliefs if eviction of the 1<sup>st</sup> respondent was to be carried out. In this



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appeal, however, we are called upon to consider the impact of Annexure A order which was passed a day prior to the date of impugned judgment.

9. On the merits of the case, it can be seen that the appellant is seeking eviction of the 1<sup>st</sup> respondent on the strength of Exts.P1 and P2, which are registered sale deeds. The registration of a sale deed itself creates a presumption that the same was executed after obtaining valid consideration, and unless the 1<sup>st</sup> respondent rebuts such presumption legally, the documents cannot be said to be null and void merely because the 1<sup>st</sup> respondent asserts so. This is all the more so because the respondent, who now alleges that there was no sale transaction, did not impugn the registered sale deed before any Forum or seek a cancellation of the same before the registering authority for over five years. Under such circumstances and taking note of the fact that the appellant had approached the civil court and obtained Annexure A interlocutory order, which fact was not known to the learned Single Judge at the time of passing the order directing that the 1<sup>st</sup> respondent to be put back in possession of the premises, we feel that the impugned judgment of the learned Single Judge needs to be modified to some extent. Therefore, while upholding the findings of the learned Single Judge that the Kerala State Minority Commission does not have jurisdiction to pass orders in the nature of Ext.P3, we



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modify the impugned judgment to the extent of deleting the direction therein to the authorities to put back the 1<sup>st</sup> respondent in possession of the property. Instead we direct that the parties be restored to their *status quo ante* and to their status immediately prior to the date of the impugned judgment. We make it clear that we have not determined the *inter se* rights of the parties to the *lis* and they are at liberty to raise all contentions before the civil court in the pending suit.

In the result, the writ appeal is partly allowed with the above observations. No costs.

Sd/-

**DR.A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

Sd/-

**PREETA A.K.**  
**JUDGE**

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APPENDIX OF WA NO. 1138 OF 2026

PETITIONER ANNEXURES

Annexure A

TRUE COPY OF THE ORDER DATED 4-5-2026 IN  
I.A.NO.2/2026 IN O.S.NO.118/2026 PASSED  
BY THE DISTRICT JUDGE (VACATION JUDGE),  
MANJERI