



2026:KER:49614

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE EASWARAN S.

MONDAY, THE 6TH DAY OF JULY 2026 / 15TH ASHADHA, 1948

MSA NO. 34 OF 2026

AGAINST THE ORDER DATED 16.06.2026 IN REFA NO.112 OF 2025
OF KERALA REAL ESTATE APPELLATE TRIBUNAL, ERNAKULAM, ARISING OUT
OF THE ORDER DATED 24.09.2025 IN IA 244/2025 IN CCP NO.76 OF
2021 OF KERALA REAL ESTATE REGULATORY AUTHORITY,
THIRUVANANTHAPURAM.

APPELLANT(S) /APPELLANTS/RESPONDENTS 1, 3 AND 5:

- 1 M/S. KERALA GRAMAM PROPERTIES,
A REGISTERED PARTNERSHIP FIRM,
REPRESENTED BY ITS MANAGING PARTNER FIYAS THANVEER,
LAKSHMI HOMES, NEAR LIONS CLUB, MAVINCHUVADU,
THAIKKAD P.O., GURUVAYUR, PIN - 680104.
- 2 R.P NAJEEB
AGED 56 YEARS, S/O. UMMERKUTTY, PARTNER KERALA
GRAMMA PROPERTIES, RESIDING AT VI/123A,
RAYMARAKKARVEETIL, PUTHENPURAYIL HOUSE, ENGANDIYUR
AMSOM DESAM, CHAVAKKAD THALUK, THRISSUR DISTRICT,
PIN - 680101.
- 3 FIYAZ THANVEER
AGED 46 YEARS, MANAGING PARTNER,
M/S. KERALA GRAMAM PROPERTIES, RESIDING AT IX/87,
RAYAMMARAKKARVEETIL HOUSE, GURUVAYUR AMSOM,
KARAKKADDESOM, CHAVACADU TALUK, PIN - 680101.

BY ADVS.

SRI. S. VINOD BHAT

KUM. ANAGHA LAKSHMY RAMAN



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SMT. V. NAMITHA
SMT. GITANJALI SADAN PILLAI
SMT. P. DEVIKRISHNA

RESPONDENT(S) /RESPONDENTS/COMPLAINANTS IN CP 76 TO 103:

- 1 RAJAGOPALAN NAIR
S/O GOVINDAN NAIR, FLAT NO G603, 6TH FLOOR SANTHI
COMPLEX, SAKI VIHAR ROAD, THUNGA VILLAGE POWAI,
ANDHERI (EAST) MUMBAI, PIN - 400072.
- 2 G.S. AJITH
S/O GANGADHARAN PILLI, T.C. 21/1289, 'SAMGAM',
NEDUMCAUD P.O., THIRUVANANTHAPURAM, PIN - 695002.
- 3 DR. V.N VASUDEVAN
S/O. VMC NARAYANA NAMBOODIRI RESIDING AT
VAIDYAMADHAM MANA' MEZHATHOOR THRITHALA P.O.,
PALAKKAD, PIN - 679534
- 4 LAKSHMI P
W/O JANARDHANAN R T.C 40/95, 1ST PUTHEN STREET
MANACAUD P.O THIRUVANANTHAPURAM, PIN - 695009
- 5 C.V JESSY
W/O LATE PAPPACHAN MANJALI' CHAVAKADU GURUVAYUR
THRISSUR, PIN - 680506
- 6 RENGANATH V
S/O VENKITACHALAM IYER FLAT NO 8/B JEEVAN PRAKASH,
NES SCHOOL MARG BHATTIPADA WEST, BHANDEEP WEST
MUMBAI REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
V.K SANALKUMAR S/O P.N KRISHNAN NAMBOOTHIRI SHANMUGA
VILASOM VAIKKATTILLAM NEDUMPURAM P.O THRIRUVALLA,
PATHANAMTHITTA, PIN - 689110
- 7 SHAMEER K.A
S/O ABU FLAT NO 608, AL KHATHRI BUILDING, A BLOCK AL
NAHDA SHARJAH, UAE REPRESENTED BY POA HOLDER HASEENA
SHAMEER RESIDENCE AT KARAPPAMVEETIL IRINGAPURAM P.O
GURUVAYOOR, THRISSUR., PIN - 680103
- 8 LASHITHA HARIKUMAR KIDSON
PUTHIYARA P.O KOZHIKODE 673004 - REPRESENTED BY HER



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POWER OF ATTORNEY HOLDER K.HARIKUMAR S/O K.
SOMASUNDARAN KIDSON, PUTHIYARA P.O KOZHIKODE

- 9 RAJALAKSHMI HARIDAS
W/O V.K HARIDASAN NELLIKKAL KAIPACHERIN (H), MAKKERI
P.O. KANNUR, PIN - 670624
- 10 VIJAYAN MENON
S/O KUTTIKRISHNA MENON, PATTATHIL PUTHENPURA HOUSE,
ANNAKARA P.O., THRISSUR, PIN - 680508
- 11 MANNIL SANKUNNI NAIR
S/O KESAVAN NAIR FLAT 402, A6 KACHANAR BLOCK AAKRITI
ECOCITY, BHOPAL, MADHYA PRADESH, PIN - 462001
- 12 K.C SASIKUMAR
S/O LATE RAMUNNI MENON ANAGHA'NHARANGAT OLAKKARA P.O
TIRURANGADI MALAPPURAM, PIN - 676306
- 13 KUMARADAS K.
S/O KESAVAN NAIR RAMANEEYAM, T.C 8/853-4, THIRUMALA
P.O THIRUVANANTHAPURAM, PIN - 695006
- 14 NARENDRAN K.
S/O GOPALAKRISHNAN NAIR, KELAMKANDOTH HOUSE,
GURUVAYOOR P.O., THRISSUR, REPRESENTED BY POWER OF
ATTORNEY HOLDER - REJI C.NARENDRAN, W/O K. NARENDRAN
K., KELMKANDOTH HOUSE, GURUVAYOOR P.O., THRISSUR.,
PIN - 680101
- 15 SANTHOSH KUMAR
S/O UDAYAVARMA RAJ, HQCWE (NAVY, VASCO DA GAMA, GOA,
PIN - 403802
- 16 T.B. BALACHANDRAN PILLAI
S/O T.R. GOVINDA MENON, EASWARA,
K. SWADESABHIMANI NAGAR, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM, PIN - 695121.
- 17 SANTHOSH M.
S/O SUBRAMANIAN MANNARATHU VEEDU, KARATHPARAMBU
GURUVAYUR P.O THRISSUR REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER SUBASH M. S/O PARAMESHWARAN NAIR
MANNARATHU VEEDU KARATHPARAMBU GURUVAYUR,



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PIN - 680101.

- 18 LAKSHMY MENON
PATTIATHIL PUTHENPURA HOUSE, ANNAKARA THRISSUR
REPRESENTED BY POWER OF ATTORNEY HOLDER V. VIJAYAN
MENON, S/O KUTTIKRISHNA MENON, PATTATHIL PUTHENPURA
HOUSE, ANNAKARA, THRISSUR, PIN - 680508.
- 19 M.N. SUNIL KUMAR
S/O M.N. NARAYANAN, RESIDING AT MAMBRAPILLY MANA,
ANNAMANADA P.O., CHALAKUDY, PIN - 680741.
- 20 V.SURESHKUMAR
S/O VELAYUDHAN CHETTAIR, SURAMANA, SPRA 405,
SREEPADAM LINE NETTAYAM P.O., THIRUVANANTHAPURAM,
PIN - 695013.
- 21 M.V. INDIRA
W/O SANKARANARAYANAN, SREELEKSHMI, MUTHUKURISI,
ELAMKULAM, MALAPPURAM, PIN - 679340.
- 22 T.S.SANKAR
S/O THANKAPPAN NAIR, SOBHA NIVAS, TCR 106/1,
SREEVARAHAM, THIRUVANANTHAPURAM, PIN - 695009
- 23 M.O.VINOD
S/O PARAMESWARAN NAMBOOTHIRIPAD, OZHUKIL,
NELLUVAYA P.O., THRISSUR, PIN - 680584
- 24 P.RAJAMOHANAN
S/O KUTTISANKARAN NAIR E.K., RANJANA,
PALICKKAL P.O., MALAPPURAM, PIN - 676517
- 25 SHEEJA A.K.
W/O LATE SONI THENGAMOM, TC 11/631, ANJALI,
NANTHENCODE, KAWADIAR P.O. THIRUVANANTHAPURAM,
PIN - 695003
- 26 BINDU
W/O LATE BINO GOPINATH, KELAMKUNDATH HOUSE,
KURINJATTIL LANE, AYYANTHOLE, THRISSUR, PIN - 680003
- 27 SANDRA
D/O LATE BINO GOPINATH, KELAMKUNDATH HOUSE,



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KURINJATTIL LANE, AYYANTHOLE, THRISSUR, PIN - 680003

- 28 SANDESH
S/O LATE BINO GOPINATH, KELAMKUNDATH HOUSE,
KURINJATTIL LANE, AYYANTHOLE, THRISSUR, PIN - 680003
- 29 FAIZAL BABU
PARTNER, M/S KERALA GRAMAM PROPERTIES, II/592B,
VALIYAKATH NETTIYAMPARAMBIL HOUSE, VADAKKEKKAD
DESAM, VADAKKEKKADU P.O., PIN - 679562
- 30 DEVI RANGANATH
W/O SRI. RENGANATH, FALT NO.8/B, GEEVAN PRAKASH,
NES SCHOOL MARG, BHATTIPADA, BHANDEEP WEST,
MUMBAI, PIN - 400078.
- 31 P. SARALA MENON
W/O I.V. VIJAYAN MENON, PATTIATHIL PUTHENPURA HOUSE,
ANNAKARA P.O., THRISSUR, PIN - 680508.
- 32 BEENA NAIR
W/O MANNIL SANKUNNI NAIR, FALT NO.402, A6, KACHNAR
NAGAR HEIGHTS, AAKRITI ECOCITY, BHOPAL, PIN - 462039
- 33 GEETHA DEVI
W/O K.C.SASIKUMAR, 'ANAGHA', OLAKKARA P.O.,
TIRURANGADI, MALAPPURAM, PIN - 676306
- 34 MANJUSHA
W/O SANTHOSH KUMAR, PRABHA NIVAS, KOTTAM ROAD,
NILESWARAM P.O., KASARGOD, PIN - 671314
- 35 OMANA T
W/O LATE SURESHKUMAR V., SPRA 405, SREEPADAM LINE,
NETTAYAM P.O., THIRUVANANTHAPURAM, PIN - 695013
- 36 RAKESH O.S.
S/O LATE SURESHKUMAR V., SPRA 405, SREEPADAM LINE,
NETTAYAM P.O., THIRUVANANTHAPURAM, PIN - 695013
- 37 SOBHA P. NAIR
W/O T. S. SANKAR, TC 68/876, KRA 150, KONCHIRAVILA,
THIRUVANANTHAPURAM, PIN - 695009



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- 38 SMITHA V.R.
W/O M.O. VINOD, OZHUKIL MANA, NELLUVAYA P.O.,
THRISSUR, PIN - 680584
- 39 SOBHANA V.
W/O RAJAMOHANAN P., 'RANJANA, PALLIKKAL P.O.,
MALAPPURAM, PIN - 676517
- 40 RAJESH DAS
S/O KUMARADAS, RESIDING AT TC 8/853/4, RAMANEEYAM,
THIRUMALA P.O., THIRUVANANTHAPURAM DISTRICT.
- 41 ROSHAN DAS
S/O KUMARADAS, RESIDING AT MADHAVAM, KAVUNGALPADI,
NANOOR, ERAVIPEROOR, PATHANAMTHITTA DISTRICT.

(ADDL. RESPONDENTS ARE IMPEADED AS PER ORDER DATED
06.07.2026 IN I.A. NO. 3 OF 2026 IN MSA 34 OF 2026)

BY ADVS.

SRI. SUSANTH SHAJI	}	FOR R1 TO R5 & R30 TO R38
SRI. SIDHARTH O.		
SRI. ALBIN A. JOSEPH		
SMT. NEKHA VARGHESE		
SRI. K.S.AJAYAKUMAR		
SRI. SISANT SHAJI - FOR R40 AND R41		

THIS MISC. SECOND APPEAL HAVING BEEN FINALLY HEARD ON
06.07.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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EASWARAN S., J.**MSA No. 34 of 2026**Dated this the 06th day of July, 2026**JUDGMENT**

This appeal is preferred by the appellants aggrieved by the order dated 16.06.2026 in REFA No. 112 of 2025 passed by the Kerala Real Estate Appellate Tribunal, Ernakulam. By the impugned order, the Appellate Tribunal closed the appeal as one having become infructuous without entering into the respective merits of the contentions raised by the parties.

2. The issue raised in this appeal has got a chequered history. The appellants had approached this Court aggrieved by an order passed by the Real Estate Regulatory Authority which was confirmed by the Appellate Tribunal. MSA No. 56 of 2025 was filed which was disposed of by judgment dated 29.07.2025 reserving the liberty of the appellants to raise the question of limitation as a 'preliminary issue'. Accordingly, I.A. No. 244 of 2025 was filed raising the question of limitation as a 'preliminary issue'. The adjudicating officer dismissed I.A. No. 244 of 2025 without considering the question of limitation against which the appeal; REFA No.



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112 of 2025 was filed.

2.1. Simultaneously, the appellants also instituted contempt petition before this Court as Cont. Case (C) No. 1070 of 2026. When the contempt case came up for consideration before this Court, the learned Standing Counsel for the Real Estate Regulatory Authority agreed before this Court that the Regulatory Authority would reconsider the question of limitation as a 'preliminary issue' and would recall the order passed in I.A. No. 244 of 2025 immediately on an application being filed by the appellants. However, contrary to the said undertaking, the Real Estate Regulatory Authority proceeded to dismiss the application holding that the question of limitation was already considered in I.A. No. 244 of 2025 and against which, REFA No. 112 of 2025 was filed by the appellants.

2.2. Though this Court was *prima facie* satisfied that the Real Estate Regulatory Authority has not adhered to the orders passed by this Court and was in contempt. But since the appellants had already filed REFA No. 112 of 2025 against the Order in I.A. No. 244 of 2025 and the same was pending and further the pendency of the appeal was not disclosed to this Court while filing the contempt petition, this Court was not inclined to exercise its jurisdiction under the Contempt of Courts Act and accordingly, Cont. Case (C)No. 1070 of 2026 was dismissed with cost.



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2.3. Be that as it may, immediately on dismissal of this contempt petition, the Appellate Tribunal took up REFA No. 112 of 2025 and found that, inasmuch as the RERA has passed an order on I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021, pursuant to the directions of this Court in the contempt proceedings, no further adjudication in the appeal is required and the liberty is granted to challenge the order in I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021 and accordingly, the appeal was closed. Challenging the said order, the present appeal is preferred.

3. Heard Sri. S. Vinod Bhat, the learned Counsel appearing for the appellants, Sri. Susanth Shaji, the learned Counsel appearing for respondents 1 to 9, 11, 12, 14 to 19, 21 to 25, 30 to 39 and addl. respondents 40 and 41 and Sri. Nandagopal S. Kurup, the learned Standing Counsel appearing for the Kerala Real Estate Regulatory Authority.

4. Though various contentions are raised by the parties touching upon the sustainability of the orders passed by the RERA in I.A. No. 244 of 2025, this Court finds that the dispute falls in a narrow compass.

5. Admittedly, when MSA No. 56 of 2025 was ordered, this Court had directed the K-RERA to consider the question of limitation as a 'preliminary issue'. Accordingly, I.A. No. 244 of 2025 was filed in which



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an order was passed which is impugned in REFA No. 112 of 2025. The question to be considered by the appellate tribunal in REFA No. 112 of 2025 is; *whether the K-RERA was justified in ordering I.A. No. 244 of 2025 and that the findings recorded by the authority are in tune with the direction issued by this Court in MSA No. 56 of 2025?* Instead of considering the issue at large, the Appellate Tribunal on a mistaken assertion that the issue in REFA No. 112 of 2025 has become infructuous because of the passing of order in I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021, directed the appellants to challenge the order in I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021. The I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021 was filed by the appellants only because of the undertakings given by the Standing Counsel for the K-RERA.

5.1. Once the authority did not accede or act in accordance with the submissions made by the Standing Counsel before this Court, necessarily, the authority could have been called by this Court to answer the contempt proceedings. But then, this Court did not exercise its contempt jurisdiction only because of the reason that, against the order in I.A. No. 244 of 2025, REFA No. 112 of 2025 was pending before the Appellate Tribunal. Therefore, this Court felt that the simultaneous proceedings for



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contempt as well as testing the validity of the order on the interlocutory application cannot be permitted and, therefore, relegated the appellants to the Appellate Tribunal. In such circumstances, the Appellate Tribunal ought to have entertained the appeal rather than foreclosing the right of the appellants herein to challenge the subsequent order which has no recognition of law since the RERA did not adhere to the directions issued by this Court in Cont. Case (C) No. 1070 of 2026.

6. Therefore, this Court is of the view that, notwithstanding the order in I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021, the appellants are at no fault and they need not challenge the said order before the Appellate Tribunal because of the fact that the same did not decide the issue on merit. But on contrary, the dispute in REFA No. 112 of 2025 is, *whether the RERA had adhered to the directions of this Court in MSA No. 56 of 2025?* Therefore, it is inevitable for this Court to hold that the appellate tribunal failed to exercise its jurisdiction vested in it in terms of the provisions of the Real Estate (Regulation and Development) Act, 2016. Accordingly, the substantial questions of law framed in the appeal are answered in favour of the appellants and it held that the RERA was not justified in dismissing REFA No. 112 of 2025 as infructuous. Accordingly, this appeal is allowed by setting aside the order dated 16.06.2026 in REFA



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No. 112 of 2025 before the K-RERA. Consequently, REFA No. 112 of 2025 will stand restored to the files of the Kerala Real Estate Regulatory Authority. The parties shall appear on 15.07.2026 before the Kerala Real Estate Appellate Tribunal. The Appellate Tribunal is directed to consider the appeal on merits notwithstanding the order in I.A. No. 25 of 2026 in CCP No. 76 of 2021 to CCP No. 103 of 2021. This shall be done as expeditiously as possible, at any rate, within a period of one month from the date of appearance of the parties. Until such time the Appellate Tribunal decides the appeal as directed above, the further proceedings before the Kerala Real Estate Regulatory Authority, Thiruvananthapuram, shall stand deferred.

**Sd/-
EASWARAN S.
JUDGE**

Svn