Case Citation: (2026) ibclaw.in 5143 HC

2026:KER:65270

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

TUESDAY, THE 18TH DAY OF AUGUST 2026 / 27TH SRAVANA, 1948

WP(C) NO. 26553 OF 2026

PETITIONERS:

1 JAVAD KUTTIKARAN HASSAN
AGED 84 YEARS
S/O.NAGOORRAWTHER, DOOR.NO. XX/125,
MACKERMANZIL, THYNOTHILLANE,
ALWAYE, ERNAKULA -683 101,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
NAGOOR JEHANGIR RAWTHER,
AGED 69 YEARS, S/O.NAGOORRAWTHER, DOOR.NO. XX/125, MACKERMANZIL,
THYNOTHILLANE,
ALWAYE, ERNAKULAM

2 NAGOOR JEHANGIR RAWTHER
AGED 69 YEARS
S/O.NAGOORRAWTHER,
DOOR NO XX/125,
MACKERMANZIL,
THYNOTHILLANE, ALWAYE,
ERNAKULAM, PIN - 683101

3 ALTHAAF JEHANGIR
AGED 39 YEARS
S/O.NAGOOR JEHANGIR RAWTHER,
DOOR NO XX/125,

IBC Laws | www.ibclaw.in

MACKERMANZIL,
THYNOTHILLANE, ALWAYE,
ERNAKULAM, PIN - 683101

4 KUTTYMOOSA SHAMSUDEEN
AGED 60 YEARS
S/O.KUTTYMOOSA,
RESIDING AT NEENAMANZIL,
KUTHIYATHODE, KODAMTHURUTHU,
ALAPPUZHA, PIN - 688533

BY ADVS.
SRI.M.H.ASIF ALI
SRI.S.MUHAMMED HANEEFF
SMT.VISMAYA JAYARAJ

RESPONDENTS:

1 KERALA REAL ESTATE REGULATORY AUTHORITY
6TH FLOOR, TRINITY CENTRE,TC NO.14/4354,
KESAVADASAPURAM JUNCTION, PATTOM.P.O.,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.,
PIN - 695004

2 JOSEPH ANTONY MADATHIL
MADATHIL HOUSE, MUTTUR.P.O,
ALAPUZHA, PIN - 689574

3 NEST INFRATECH
M/S.NEST REALITIES INDIA (P)LTD,
REPRESENTED BY ITS DIRECTOR,
SHRI.F.M. SHEMIER MARICKAR,

Case Citation: (2026) ibclaw.in 5143 HC

STONE HOUSE, MARKET ROAD, ALUVA,
ERNAKULAM, PIN - 683101

4 F.M.SHEMIER MARICKAR
DIRECTOR, NEST REALTIES INDIA PVT. LTD.,
FLAT.NO. E-10, KENT PARADISE,
PALARIVATTOM,
NOW RESIDING AT A6, KENT,
NALUKETTU, CHAKKARAPARAMBU,
ERNAKULAM, PIN - 682028

BY ADV.
SRI. NANDAGOPAL S. KURUP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON 18.08.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IBC Laws | www.ibclaw.in

JUDGMENT

1. The Petitioners have filed this Writ Petition challenging Ext.P4 Notice of Rejection issued under the order of the K-RERA addressed to the Counsel for the Petitioners rejecting Ext.P3 Application filed by the Petitioners finding that the said Application is not maintainable under Regulation 27 of the Kerala Real Estate Regulatory Authority (General) Regulations, 2020. Ext.P3 Application is filed by the Respondents Nos.4 to 7 in Complaint No.117/2023. Prayer in Ext.P3 Application is to rectify or amend the Order dated 23.02.2026 and remove the error apparent on the face of the record in the proceedings to the extent that personal liability has been imposed upon

the Respondents Nos.4 to 7.

2. Learned Counsel for the Petitioners has pointed out Regulation 9(3) of the above Regulations which provides that if the application is defective, the Authority /Adjudicating Officer has to return the complaint for compliance in the proper form granting 15 days time. Learned Counsel contended that the Scrutiny Officer of the K-RERA has no right or authority to issue a notice of rejection and it is for the Authority/Adjudicating Officer to dismiss the Application. In such case, the Petitioners will get an opportunity to persuade the Authority to number the Application, pointing out that it is in compliance with the above Regulations.

3. Learned Standing Counsel for K-RERA invited my

attention to Section 39 of the Real Estate (Regulation and Development) Act, 2016, which provides jurisdiction to the Authority to rectify any mistake apparent from the record and contended that such power does not include correcting an error apparent on the face of the record. Regulation 27 of the above Regulations provides that the Authority may, at any time remove any defect or error apparent on the face of the record in any proceedings before it (including any clerical or arithmetical error in any order passed by the Authority), on an application filed by any one of the aggrieved party within 60 days from the date of the order. Learned Standing Counsel made available the Judgment dated 23.07.2026 in W.P.(C) No.24034 of 2026, wherein this Court had set aside a

similar notice of rejection issued by the office of K-RERA, finding that, if any defects are found in the complaint on filing, as contemplated under the Regulations, the complaint has to be returned to the complainant, specifically notifying the deficiencies, so as to enable the complainant to cure the defects and resubmit the same.

4. Now, the stand of the learned Counsel for the Petitioners is that Ext.P3 Application is perfectly in compliance with Regulation 27 and the same is liable to be numbered. In such case, the said question is a matter to be considered by K-RERA on getting reply from the Petitioners after returning the Application.

5. Since Ext.P3 Application was not returned to the Petitioners to enable the Petitioners to substantiate that

there is no defect, I dispose of this Writ Petition setting aside Ext.P4 Notice of Rejection and direct the K-RERA to return Ext.P3 Application pointing out the defects to the Petitioners to enable the Petitioners to reply to the defects noted and to pass appropriate orders by the K-RERA considering the Reply, if any, given by the Petitioners.

Sd/-
M.A.ABDUL HAKHIM
JUDGE

sms

Case Citation: (2026) ibclaw.in 5143 HC

APPENDIX OF WP(C) NO. 26553 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE ORDER DATED 23.02.2026 IN COMPLAINT NO.117/2023 ISSUED BY THE 1ST RESPONDENT**
Exhibit P2	**TRUE COPY OF THE JUDGMENT DATED 08.12.2025 IN OP(C).NO.3143/2025 OF THIS HON'BLE COURT**
Exhibit P3	**TRUE COPY OF THE APPLICATION DATED 08.05.2026 IN COMPLAINT NO.117/2023 FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT**
Exhibit P4	**TRUE COPY OF THE COMMUNICATION DATED 19.06.2026 IN COMPLAINT NO.117/2023 ISSUED BY THE 1ST RESPONDENT TO COUNSEL FOR THE PETITIONER**

IBC Laws | www.ibclaw.in