



“C.R.”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

WEDNESDAY, THE 16TH DAY OF JULY 2025 / 25TH ASHADHA, 1947

WP(C) NO. 24503 OF 2024

PETITIONER/S:

SHARAF ARTS AND SCIENCE COLLEGE COMMITTEE
REGISTRATION NO. 792/2006, REPRESENTED BY ITS PRESIDENT MUHAMMED ASHRAF
VKP, PADNE POST, KASARGOD DISTRICT, PIN - 671312

BY ADVS.
SRI.P.K.RAVISANKAR
SRI.S.SREEKUMAR (SR.)

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KANNUR UNIVERSITY
REPRESENTED BY ITS REGISTRAR, THAVAKKARA, CIVIL STATION POST, KANNUR
DISTRICT, PIN - 670002
- 3 THE VICE CHANCELLOR
KANNUR UNIVERSITY, THAVAKKARA, CIVIL STATION POST, KANNUR DISTRICT, PIN -
670002
- 4 REGISTRAR
KANNUR UNIVERSITY, REPRESENTED BY ITS, THAVAKKARA, CIVIL STATION POST,
KANNUR DISTRICT, PIN - 670002



- 5 SYNDICATE
KANNUR UNIVERSITY, REPRESENTED BY VICE CHANCELLOR, KANNUR UNIVERSITY,
THAVAKKARA, CIVIL STATION POST, KANNUR DISTRICT, PIN - 670002
- 6 KIDMATH ORGANISATION OF PADNE
REG. NO. 247/1993, PADNE POST, KASARGOD DISTRICT REPRESENTED BY ITS
SECRETARY., PIN - 671312
- 7 ADDL.R7.KMC THAJUDEEN,
AGED 45 YEARS, S/O KUNJCHALIYUMMA, RESIDING AT KMC HOUSE, PADENE,
KADAPPURAM , NEAR GFHS SCHOOL, KASARAGODE, PIN - 671312 (ADDL.R7
IMPLEADED AS PER ORDER DATED 12-08-2024 IN IA 1/24 IN WPC 24503/2024)

BY ADVS. V VENUGOPAL GP
SHRI.SURESH KUMAR KODOTH
SRI.I.V.PRAMOD
SRI.P.M.SANEER
SHRI.SUKARNAN; MR KURIAN GEORGE KANNANTHANAM (SR)
SHRI.TONY GEORGE KANNANTHANAM
SRI.P.RAVINDRAN (SR.)

THIS WRIT PETITION (CIVIL) HAVING RESERVED ON 09.07.2025, THE COURT ON 16.07.2025
DELIVERED THE FOLLOWING:



“C.R.”

J U D G M E N T

Heard Mr S Sreekumar learned Senior Counsel assisted by Mr Ravi Sankar P K learned Counsel for the petitioner; Mr I.V. Pramod learned Standing Counsel for the Kannur University; Mr Kurian George Kannanthanam, learned Senior Counsel assisted by Mr P M Saneer learned Counsel for the 7th respondent; Mr P Ravindran, learned Senior Counsel, assisted by Mr Suresh Kumar Kodoth learned Counsel for the Khidmath Organisation of Padne and Mr V Venugopal, learned Government Pleader for the State.

Facts:

2. The present writ petition has been filed by Sharaf Arts and Science College Committee (for short, ‘Committee’) impugning the decision of the Kannur University in Ext.P15 dated 05.07.2024, based on the legal opinion received from the Standing Counsel for the University



and the Resolution of the meeting of the Syndicate in its meeting held on 21.06.2024, whereby the Ownership of Sharaf Arts and Science College, Padne have been cleared to be vested with the '*Khidmath Organisation of Padne*'/ the sixth respondent.

2.1 The present case has a long, chequered history of litigation. It would be necessary to take note of this before dealing with the submissions of the learned Counsel appearing for the parties.

3. The petitioner Committee was constituted and registered under the Societies Registration Act 1860 on 11.10.2006. It is stated that before the incorporation, the petitioner Committee had purchased various items of landed properties as per Sale Deeds registered as document Nos. 1550 of 2003, 1534 of 2003, 1643 of 2003 and 1644 of 2003 of SRO, Trikkarippur.

3.1 The petitioner Committee claims that it owns and manages 'Sharaf Arts and Science College, Padne', affiliated to the Kannur University, Kerala. The Kannur University *vide* communication dated



25.11.2006 addressed to Mr Mohammed Kunhi, informed him, in response to his letter dated 08.11.2006, that *‘as per the University records, the name of the educational agency of Sharaf Arts and Science College is ‘Khidmath Organisation of Padanna’.*

3.2 The petitioner Committee came to know about the said letter of the University dated 25.11.2006 and wrote to the Kannur University requesting the University to conduct an enquiry into the circumstances that led to the issuance of the said letter and requested to annul the same. After several requests made by the Petitioner Committee, the University constituted a two-member committee to enquire into the matter. The two-member committee went through the matter and, after hearing all concerned, submitted its report to the Vice Chancellor to take appropriate decisions in the matter.

3.3 The Kannur University *vide* order dated 20.10.2015, based on the report of the two-member committee dated 23.08.2014 and legal opinion, held that the ownership of the College was vested with the



petitioner Committee, being the existing agency, it did not approach either the University or the Government to change its name to Khidmath Organisation of Padanna. Therefore, considering the whole matter, the Vice Chancellor had ordered to revise the name of the agency to '*Sharaf Arts and Science College Committee, Padne*'. The Vice Chancellor accorded sanction to revise the ownership of Sharaf Arts and Science College, Padne, and re-establish the provisional affiliation of the College under the educational agency, *i.e.*, the petitioner.

4. Sharaf Arts and Science College, Padne filed writ petition W.P.(C) No.32293/2015 impugning the order dated 20.10.2015 passed by the Kannur University revising the ownership of Sharaf Arts and Science College, Padne and the affiliation granted to the said college under the educational agency, Sharaf Arts and Science College Committee, Padne, Kasargod.

4.1 The said writ petition was dismissed by judgment dated 11.12.2017 [Ext.P4]. The learned Single Judge took note of the two civil



suits O.S. No. 241/2008 and O.S. No.326/2006 pending before the Munsiff's Court, Hosdurg. In O.S. No.241/2008, an order was passed in I.A. No.2440/2008 whereby an injunction was granted in favour of Sharaf Arts and Science College, Padne. In the other suit, the contest was in respect of special and independent status. The 6th respondent was of the view that it should take advantage of the injunction order passed by the civil court.

4.2 The learned Single Judge was of the view that there was a serious civil dispute pending between the 6th respondent and other respondents. The Court was of the view that the injunction order granted in favour of the 6th respondent, who was the petitioner in the writ petition, would not constitute *res judicata*, thereby precluding the statutory authorities from passing any orders against the order passed by the civil court. No final decree was passed in the civil suits. It was held that the petitioner was not entitled to get any relief in the writ petition at that stage of the proceedings. The writ petition got



dismissed.

5. The 6th respondent, being aggrieved by the decision of the learned Single Judge dated 11.12.2017 passed in W.P.(C) No.32293/2015, file W.A. No.1065/2018. The Division Bench dismissed the Writ Appeal *vide* judgment dated 17.08.2018 [Ext.P5]. The 6th respondent filed a review, R.P. No.336/2019, seeking to review the judgment in W.A. No.1065/2018. However, the said review was dismissed *vide* order dated 05.07.2019 as not pressed. The 6th respondent filed Special Leave Petition (Civil) No.29773/2019 against the judgment dated 17.08.2018 passed in W.A. No.1065/2018 and the order dated 05.07.2019 passed in R.P. No.336/2019. However, the SLP came to be dismissed as withdrawn by the Supreme Court *vide* order dated 23.09.2019.

6. The 6th respondent tried to deposit the basic tax on the properties. However, the District Collector refused to accept the basic tax from the 6th respondent. The revision filed before the Land Revenue Commissioner against the said order of the District Collector was



dismissed on 28.06.2018. The 6th respondent filed W.P.(C) No.36440/2018, challenging the order of the Land Revenue Commissioner. The learned Single Judge *vide* judgment dated 23.01.2019 held that the grant of mutation itself would not create or extinguish title and nor could it be of any presumptive value on title. A mutation only enables the person in whose favour the mutation is ordered to pay the land tax to the authorities concerned. Therefore, as and when the civil court renders conclusive judicial verdicts regarding the dispute between the parties on the issue of ownership, title and other related issues and if those issues are decided in favour of the petitioner, then the petitioner will be at liberty to file appropriate application before the Tahsildar concerned for revising the mutation granted in favour of the petitioner herein. The learned Single Judge, however, granted liberty to the 6th respondent to file an independent suit impugning the decision of the revenue authorities. With the aforesaid liberty, the writ petition came to be dismissed [Ext.P10].



7. The 6th respondent during the pendency of the W.A. No.1065/2018 before the Division Bench, filed W.P.(C) No.20750/2018 before this Court, challenging the proceedings of the University, whereby the University permitted the admission to the College subject to some conditions and directed the petitioner Committee to make appointment of the teachers from the Academic Year 2018-19 as per the UGC norms.

7.1 The learned Single Judge held that the said decision was taken in the meeting convened by the Vice Chancellor, and the parties appeared to have arrived at a consensus regarding the said decision in the matter. It is for the parties to decide about the implementation of the decision. The University could not compel the parties to implement the decision. The University had already recognised the educational agency in the name of the petitioner, and they were not a party in the writ petition. The writ petition, therefore, was dismissed by judgment dated 29.06.2018.



7.2 The said judgment was also challenged by the 6th respondent by filing W.A. No.1409/2018. The same was dismissed as withdrawn *vide* order dated 13.07.2018.

8. The 6th respondent approached the Chancellor, the Governor of Kerala, by filing appeal under Section 7(3) of the Kannur University Act 1996 against the orders dated 20.10.2018 granting provisional affiliation to the Sharaf Arts and Science College Padne, Kasaragod, under the educational agency Sharaf Arts and Science College Committee, the petitioner.

8.1 The said appeal was dismissed *vide* decision dated 13.03.2019 [Ext.P11]. The Chancellor was of the view that as the civil suits filed by the stakeholders were pending before the Munisiff's Court, Hosdurg, Kasaragod, the appeal would not be maintainable before the Chancellor.

9. The 6th respondent, thereafter, filed a petition before the University seeking to review the order dated 20.10.2015 whereby the Vice Chancellor directed to revise the name of the agency to 'Sharaf Arts



and Science College Committee Padne'. The University dismissed the said review petition *vide* order dated 21.06.2020 in Ext.P12, holding that the University had an obligation upon the stand taken by the High Court and the Chancellor. Therefore, the University was not in a position to review the order dated 20.10.2015.

9.1 The said order of the University dated 21.06.2020 was challenged by the 6th respondent before this Court by filing W.P.(C) No.14607/2020. However, the said writ petition came to be dismissed as withdrawn *vide* judgment dated 18.03.2021.

10. The Registrar of the University *vide* impugned order dated 05.07.2024 has informed the petitioner that the ownership of Sharaf Arts and Science College Padne is vested with the 6th respondent.

Discussion and Analysis:

11. The questions which call for consideration in this writ petition are:

(i) whether the respondent University is entitled to review its order



dated 20.10.2015 and 21.06.2020, whereby the Vice Chancellor had ordered to revise the name of the educational agency to Sharaf Arts and Science College Committee Padne, when the petition and the review against the said decision got dismissed by the University *vide* order dated 21.06.2020 on the ground that the University could not have taken the decision contrary to the decision of the High Court and the Chancellor.

(ii) whether the order passed by the University is against the law, illegal and without jurisdiction.

12. From the facts stated above, it is evident that this Court has not interfered with the challenge to the two orders passed by the University in a number of petitions instituted by the 6th respondent. The civil suits have not yet been decided and are still pending. This Court fails to discern any reason to pass the order impugned in this writ petition.

13. It is well-settled law that the statutory body or authority does not have the power of review unless the power is vested by a Statute in



the authority to review its earlier order. The University has acted as an appellate forum against the judgment passed by this Court in a number of writ petitions and has reviewed its own order dated 20.10.2015.

14. This Court, as well as the Chancellor in their judgments and orders, have taken the view that unless the issues are decided by the civil court, no interference was called for with the decision of the University recognising the petitioner as an educational agency of the Sharaf Arts and Science College. This Court fails to understand what has changed in between, to take the views as taken in the impugned order, recognising the 6th respondent as the educational agency and owner of the Sharaf Arts and Science College. Nothing has been mentioned by the learned Counsel appearing for the 6th respondent regarding the change of circumstances to take the view as taken by the University in the impugned order. No provision has been pointed out by the Counsel for the University or the 6th respondent that the University has the power to review its own decision under the Kannur University Act and the



Statutes made thereunder.

15. A quasi-judicial authority cannot review its own order, unless the power of review is expressly conferred on it by the Statute under which it derives its jurisdiction is a well-established tenet in Indian administrative and constitutional law. These are administrative bodies or tribunals entrusted with the power to adjudicate disputes and make decisions that affect the rights of parties. Their powers are not inherent but are derived solely from the specific statute that creates them. Limiting the review powers of quasi-judicial authorities upholds the principle of separation of powers. Allowing them to review their own orders without express statutory authorisation would, in essence, grant them powers akin to a higher appellate court, potentially undermining the legislative intent and judicial independence. Unless a statute provides for review, orders passed by quasi-judicial authorities are generally considered final, subject to challenge through appeals or judicial review by higher courts. Allowing self-review without statutory



backing would lead to uncertainty and endless litigation.

16. The Supreme Court in ***Dr Kuntesh Gupta v. Management of Hindu Kanya Mahavidyalaya, Sitapur (U.P.)***¹ has held that a quasi-judicial authority cannot review its own order, unless the power of review is expressly conferred on it by the Statute under which it derives its jurisdiction. Paragraph 11 of the said judgment is extracted hereunder:

“11. It is now well established that a quasi-judicial authority cannot review its own order, unless the power of review is expressly conferred on it by the statute under which it derives its jurisdiction. The Vice-Chancellor in considering the question of approval of an order of dismissal of the Principal, acts as a quasi-judicial authority. It is not disputed that the provisions of the U. P. State Universities Act, 1973 or of the Statutes of the University do not confer any power of review on the Vice-Chancellor. In the circumstances, it must be held that the Vice-Chancellor acted wholly without jurisdiction in reviewing her order dated January 24, 1987 by her order dated March 7, 1987. The said order of the Vice-Chancellor dated March 7, 1987 was a nullity.”

¹ (1987) 4 SCC 525



17. A Full Bench decision of the Allahabad High Court in ***Smt. Shivraji v. Deputy Director of Consolidation, Allahabad***² in paragraph 37 has held thus:

“37. Coming to the provisions of the U.P. Consolidation of Holdings Act, it is our considered view that the consolidation authorities, particularly the Deputy Director of Consolidation while deciding a revision petition exercises judicial or quasi-judicial power and, therefore his order is final subject to any power of appeal or revision vested in superior authority under the Act. The consolidation authorities, particularly the Deputy Director of Consolidation, is not vested with any power of review of his order and, therefore, cannot reopen any proceeding and cannot review or revise his earlier order. However, as a judicial or quasi-judicial authority he has the power to correct any clerical mistake/arithmetical error, manifest error in his order in exercise of his inherent power as a tribunal.”

Thus, the respondent authority does not have the inherent power to review its decision. Such a power can be vested in the authority only by the provisions of law and not otherwise.

² 1997 SCC OnLine All 505



Conclusion:

18. In summary, the legal position is unequivocally clear: a quasi-judicial authority's power to review its own order is not inherent and must be specifically granted by the statute under which it operates. Any action of review without such express conferment is an exercise of power without jurisdiction and therefore, void.

18.1 As the University does not have the power under the Act and the Statute made thereunder, the impugned order in Ext.P15 is illegal and without jurisdiction, and the same is set aside.

Thus, the writ petition is hereby allowed. No order as to costs.

All Interlocutory Applications regarding interim matters stand closed.

Sd/-
D K SINGH
JUDGE



APPENDIX OF WP(C) 24503/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE CERTIFICATE OF INCORPORATION DATED 11-10-2006 ISSUED BY THE DISTRICT REGISTRAR, KASARGOD OF THE PETITIONER SOCIETY
Exhibit P2	TRUE COPY OF THE LETTER DATED 25-11-2006 ISSUED BY THE 4TH RESPONDENT TO MOHAMMED KUNHI
Exhibit P3	TRUE COPY OF THE ORDER NO. U.O. NO. ACAD/A2/1359/96 DATED 20-10-2015 ISSUED BY THE 4TH RESPONDENT
Exhibit P4	TRUE COPY OF THE JUDGMENT DATED 11-12-2017 IN WP (C) NO. 32293 OF 2015 OF THIS HONOURABLE COURT
Exhibit P5	TRUE COPY OF THE JUDGMENT DATED 17-8-2018 IN W.A. NO. 1065 OF 2018 OF THIS HONOURABLE COURT
Exhibit P6	TRUE COPY OF THE ORDER DATED 5-7-2019 IN R.P. NO. 336 OF 2019 OF THIS HONOURABLE COURT
Exhibit P7	TRUE COPY OF THE ORDER DATED 23-9-2019 IN S.L.P. (C) DIARY NO. 29773 OF 2019 ON THE FILES OF HONOURABLE SUPREME COURT OF INDIA
Exhibit P8	TRUE COPY OF THE JUDGMENT DATED 29-6-2018 IN WP (C) NO. 20750 OF 2018 ON THE FILE OF THIS HONOURABLE COURT
Exhibit P9	TRUE COPY OF THE JUDGMENT DATED 13-7-2018 IN W.A. 1409 OF 2018 OF THIS HONOURABLE COURT
Exhibit P10	TRUE COPY OF THE JUDGMENT DATED 23-1-2019 IN WP (C) NO. 36440 OF 2018 ON THE FILES OF THIS HONOURABLE COURT
Exhibit P11	TRUE COPY OF THE ORDER NO. GS3.488/2019 DATED 13-3-2019 ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNOR
Exhibit P12	TRUE COPY OF THE LETTER NO. ACAD.A2/SASC/3863/05/VOL.IV DATED 21-6-2020 ISSUED BY THE 4TH RESPONDENT TO THE 6TH RESPONDENT ALONG WITH REPORT OF JOINT COMMITTEE
Exhibit P13	TRUE COPY OF THE JUDGMENT DATED 18-3-2021 IN WP(C) NO. 14607 OF 2020 OF THIS HONOURABLE COURT
Exhibit P14	TRUE COPY OF THE TRUNCATED COPY OF THE LETTER DATED 3-7-2024 PURPORTED TO BE ISSUED BY THE 4TH RESPONDENT ADDRESSED TO THE 6TH RESPONDENT
Exhibit P15	TRUE COPY OF THE LETTER NO. ACAD.A2/SASC/3863/05/VOL. IV DATED 5-7-2024 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER
Exhibit P16	TRUE COPY OF THE MINUTES OF THE SYNDICATE (5/2024) OF THE 2ND RESPONDENT HELD ON 21-6-2024



RESPONDENT EXHIBITS

Exhibt R6 (g)	True copy of common order dated 27/11/2008 in IA No. 2440/2008 and IA No. 3536/2008
Exhibt R6 (m)	True copy of report dated 9/7/2024 submitted before the Revenue Divisional Officer/SDM
Exhibit R6(a)	True copy of the Bye Law amendment approved by the District Registrar
Exhibit R6(b)	True copy of application for affiliation for 2003-04 dated 26/12/2003
Exhibit R6(c)	True copy of one of such document, namely Document No. 1664 dated 9/5/2003
Exhibit R6(d)	True copy of Document No. 2243 dated 11/1/2012
Exhibit R6(e)	True copy of one of such land tax receipts dated 1/4/2023 issued by the Village Officer
Exhibit R6(h)	True copy of the representation dated 18/11/2023
Exhibit R6(i)	True copy of the legal opinion dated 14/6/2024
Exhibit R6(j)	True copy of the communication sent in email to the University at 1-35 PM on 8/7/2024
Exhibit R6(k)	True copy of the representation dated 8/7/2024
Exhibit R6(l)	True copy of the representation dated 9/7/2024 before the Chandera Police Station

PETITIONER EXHIBITS

Exhibit P17	True copy of the List of Officer bearers of the 6th Respondent Society for the year 2003-04 submitted to the Registrar of Societies
Exhibit P18	true copy of the tax receipt dated 1-4-2024 issued by Village Officer, Thuruthy
Exhibit P19	True copy of the possession certificate dated 18-4-2022 issued by Village Officer, Thuruthy
Exhibit P20	True copy of the judgment dated 1-9-2022 in O.P. (C) No. 1846 of 2019 of this honourable Court
Exhibit P21	True copy of the Counter Affidavit dated 6-9-2020 filed by the Registrar on behalf of the University in in W.P. (C) No. 14607 of 2020 on the files of this honourable Court
Exhibit P23	True copy of the letter No. DRGKSD/1227/2023-G3 dated 16-4-2024 issued by District Registrar
Exhibit P24	True copy of the F.I.R. in Crime No. 723 of 2023 of Chandera Police Station is hereby
Exhibit P22	rue copy of the statement dated 25-7-2018 filed by the 2nd Respondent herein in W.P. (C) No. 24401 of 2018 on the files of this honourable Court



RESPONDENT EXHIBITS

- | | |
|---------------|--|
| Exhibit R7(A) | A TRUE COPY OF THE LIST OF EXECUTIVE COMMITTEE/ OFFICE BEARERS FOR THE YEAR 2016- 2017 SUBMITTED AND COUNTER SEALED BY THE DISTRICT REGISTRAR. |
| Exhibit R7(B) | A TRUE COPY OF THE COMMON JUDGMENT IN WP(C) NO 22381/2017 & WPC NO 11478/2021 DTD 13/1/2023 OF THIS HONOURABLE COURT. |
| Exhibit R7(C) | A TRUE COPY OF THE JUDGMENT DATED 3/8/2023 IN WP(C) 12337/2023 OF THIS HONORABLE COURT. |
| Exhibit R7(D) | A TRUE COPY OF ORDER NO DRGKSD/231/2023-G3/ DATED 07/10/2023 PASSED BY THE DISTRICT REGISTRAR. |
| Exhibit R7(E) | A TRUE COPY OF THE COMMUNICATION NO DRGKSD/1227/2023-G3 DATED 16/04/2024 ISSUED BY THE DISTRICT REGISTRAR. |