



2025:KER:18568

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

WEDNESDAY, THE 5TH DAY OF MARCH 2025 / 14TH PHALGUNA,

1946

WP(C) NO. 33431 OF 2016

PETITIONER:

V.V.MALATHI
AGED 68 YEARS
MANAGER, PULIYACODE AUP SCHOOL, KOVILAKATH
HOUSE, P.O.NEDIYIRIPPU, KONDOTTI, MALAPPURAM

BY ADV SRI.R.SREERAJ

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVNANTHAPURAM -
695 001
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS
DIRECTORATE OF PUBLIC
INSTRUCTIONS, THIRUVANANTHAPURAM - 695 001
- 3 THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL
OFFICER, KIZHISSERI, MALAPPURAM 676 505
- 4 THE DEPUTY DIRECTOR OF EDUCATION
MALAPPURAM DISTRICT - 676 505
- 5 THE DISTRICT COLLECTOR
MALAPPURAM - 676 505
- 6 SUCHITHRA.V.V
W/O GOVINDAN KUTTY
AGED 50 YEARS, PARIYANGAD HOUSE, TUVOR P.O,
MALAPPURAM DISTRICT.



- 7 SUPRIYA V.V,
W/O VENUGOPALAN C.M, MIDILA POST,
FEROKE, CALICUT DISTRICT, PIN-673 631
- 8 SUNITHA V.V,
W/O RAJNDRAN, AGED 46, NADUTHODY HOUSE,
PULIKKAL P.O, MALAPPURAM DISTRICT, PIN-673 637
- 9 PURUSHOTHAMAN V.V
S/O LATE VASUDEVAN NAIR, VADEKKE VAKKATHODY
HOUSE, AKKAPARAMBA P.O, PULIYACODE,
MALAPPURAM DISTRICT- 679 641
- 10 SUDHAKARAN V.V
S/O LATE VASUDEVAN NAIR, VADEKKE VAKKATHODY
HOUSE, AKKAPARAMBA P.O, PULIYACODE,
MALAPPURAM DISTRICT- 679 641
- 11 DIVAKARAN V.V
S/O LATE VASUDEVAN NAIR, VADEKKE VAKKATHODY
HOUSE, AKKAPARAMBA P.O, PULIYACODE,
MALAPPURAM DISTRICT- 679 641
- 12 RATNAKARAN V.V
S/O LATE VASUDEVAN NAIR, AGED 39
VADEKKE VAKKATHODY HOUSE, AKKAPARAMBA P.O,
PULIYACODE, MALAPPURAM DISTRICT- 679 641
BY ADVS.
P.SHEEBA
SRI.VISHAK.K.JOHNSON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**J U D G M E N T****(Dated this the 5th day of March, 2025)**

The writ petition is preferred being aggrieved by the refusal on the part of the respondents, especially the 3rd respondent, AEO to disburse to the petitioner, the rent arrears for the period during which the school was taken over by the Government.

2. It is the case of the petitioner that, the school is a common property of Vadakke Vakathodi Tharawad and not an individual property or the property of a particular Tavazhy. According to the scheme of the school, the eldest member of the Tharawad will be acting as Manager as approved by the Educational Authorities. At the time of taking over of the school by Government, one Smt. Kartyayani Annamma was the Manager. Later, the issue was decided as per Ext.P1 award and directed to grant the rent arrears to Smt. Kartyayani Annamma, the Manager of Puliyacode AUP School. In the meanwhile, Smt. Kartyayani Annamma expired.

3. Thereafter as per Ext.P2, the Deputy Director of Education, Malappuram has issued direction to the 3rd respondent to disburse the amount to the legal heirs of Smt. Kartyayani Annamma. In compliance with that, AEO has



4

directed the petitioner to produce the legal heirship certificate in order to release the amount. Now the amount is deposited with the Vijaya Bank, as evident from the receipt produced along with the memo dated 12.04.2019.

4. Now the issue involved in this case is that, since want of legal heirship certificate, the Educational Authorities are not releasing the amount. The next academic year is going to commence. Prior to that, the repairs of the school has to be completed. For that purpose, they are expending the funds from their pocket. In order to avoid that, they require the amount which is deposited in the Vijaya Bank. For that, they are seeking a direction to the 3rd respondent.

5. I have heard Sri. R Sreeraj, the learned Counsel for the petitioner and Smt. Reshmi K.M, the learned Government Pleader for the respondents.

6. Going by the contentions in the writ petition it appears that, it is only a matter of disbursement of the rent amount of the school, which is to be used for the purpose of school alone. So, there is no point in finding out the legal heirs of the deceased Manager. The amount has to be disbursed to the Manager of the school for utilizing the same for the purpose of development or repair activity of the



school alone. For that purpose, there will be a direction to the 3rd respondent to issue direction to disburse the amount which is kept in the account of Vijaya Bank to the Manager of Puliyacode AUP School within a period of one month. The Registry is directed to release the original FD Receipt No.594171, kept in the safe custody of Registrar (Judicial) as Item No.305.

Writ petition is disposed accordingly.

Sd/-

**P.M MANOJ
JUDGE**

AKH



APPENDIX OF WP(C) 33431/2016

PETITIONER EXHIBITS

- EXHIBIT P1** **TRUE COPY OF THE PROCEEDINGS I 3-63589/92(2) DATED 19.03.2010 ISSUED BY THE DISTRICT COLLECTOR, MALAPPURAM**
- EXHIBIT P2** **TRUE COPY OF THE DO LETTER NO. B3/30004/10 DATED 22.07.2013 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM**
- EXHIBIT P3** **TRUE COPY OF THE LETTER NO. D 11-7668/14 DATED 25.03.2014 ISSUED BY THE DEPUTY DIRECTOR OF PANCHAYATHS, MALAPPURAM**
- EXHIBIT P4** **TRUE COPY OF THE DECISON NO. 3 OF THE GOVERNING BODY OF THE KUZHIMANNA PANCHAYATH IN ITS MEETING ON 17.12.2014**
- EXHIBIT P5** **TRUE COPY OF THE GO (GEN) NO. 3249/2015/G.EDN DATED 05.08.2015**
- EXHIBIT P6** **TRUE COPY OF THE REPRESENTATION DATED 14.06.2016 SUBMITTED BY THE PETITIONER TO THE HON'BLE CHIEF MINSTER OF KERALA**
- EXHIBIT P7** **TRUE COPY OF THE GO(GEN)NO. 1975/2016/G.EDN DATED 22.06.2016**
- EXHIBIT P8** **TRUE COPY OF THE LETTER NO. B/1879/2013 DATED 25.08.2016 ISSUED BY THE AEO, KIZHISSERY**

RESPONDENT EXHIBITS

- EXHIBIT R6(A)** **COPY OF THE NO OBJECTION DATED 25.6.2014 GIVEN BY PETITIONERS HEREIN.**