

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

27981

TUESDAY, THE 29TH DAY OF OCTOBER 2013/7TH KARTHIKA, 1935

WP(C).No. 25241 of 2013 (E)PETITIONER:

VELUKUTTY,
S/O.ARUMUGHAN, AGED 57 YEARS,
NELLIKOTTIL HOUSE, NILAMBUR,
MALAPPURAM DISTRICT.

BY ADV. SRLR.K.MURALIDHARAN.

RESPONDENTS:

1. THE DISTRICT REGISTRAR GENERAL,
OFFICE OF THE REGISTRAR GENERAL,
MALAPPURAM- 676 505.
2. THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, NILAMBUR,
MALAPPURAM DISTRICT, PIN- 679 326.

BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-10-2013, ALONG WITH W.P.(C).NO.25266/2013,THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

Prv.

ATTN

R.R. Seat of Mr. J.R.

29/10/13

L-o Regn

of A.U. ERM



P.R. RAMACHANDRA MENON J.

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W.P.(C) Nps. 25241 and 25266  
of 2013

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Dated, this the 29th day of October, 2013

JUDGMENT

The issue involved in both these cases is similar and hence dealt with together.

2. The petitioner in W.P.(C) No. 25241 of 2013 has approached this Court with the following prayers :

- i.) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to accept the document to be presented for registration by the petitioner in a portion of the property owned by the petitioner in RS No. 84/2 of Block 90 in Nilambur Village without insisting for production of NOC from the forest officials, And
- ii) Declare that the respondents are not legally entitled to direct the petitioner to produce NOC from forest officials as pre-requisite for registration of the document to be presented for registration in respect of the land owned by him in RS 84/2 of Block No. 90 in Nilambur Village; and
- iii) Issue such other orders as this Hon'ble Court may deem fit to grant.

Almost similar prayers have been raised in W.P.(C) No 25266 of

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2013, but for the difference in description of the property.

3. The grievance of the petitioners is that there is absolutely no power or authority vested with the respondents to have insisted for production of NOC from the forest department, for having effected the registration of the property concerned in tune with the relevant provisions of the Registration Act. Reliance is also sought to be placed on the decisions rendered by this Court in **Selvam Vs. State of Kerala [2010 (1) KLT 508]** and **Karappara Estate Vs. Sub Registrar and others [1996 (1) KLT 198]**. The petitioner has also produced some other verdicts of this Court vide Exts. P6 and P7, wherein similar course has been followed placing reliance on the decisions cited supra.

4. Heard the learned Government Pleader as well.

5. The fact remains is that the relevant provision in the Statute of has undergone a substantial change, whereby Section 71 (3) has been amended in the following terms, w.e.f. 13.09.2013.

71(3) No registering officer shall accept for registration any document involving transfer of property including contract for sale of immovable property belonging to or vested in the Government of Kerala or public sector undertakings operating in the State or local self government institutions unless it is

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W.P.(C) No. 25241 and 25266
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accompanied by a no objection certificate issued by an officer authorised by the State Government in this behalf"

By virtue of the amended provision, it is very much obligatory for the parties concerned to have produced NOC issued from the Forest department/Revenue department, as the case may be, so as to cause the registration of the property concerned.

In the said circumstances, this Court finds that these writ petitions are not liable to be entertained for the time being. Accordingly, both the writ petitions are dismissed.

Sd/-

P. R. RAMACHANDRA MENON,
(JUDGE)

kmd

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W.P.(C) NO.25241/2013 E.

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1. COPY OF THE REGISTERED ASSIGNMENT DEED DATED 26.11.1993.
- EXHIBIT P2. COPY OF THE REGISTERED ASSIGNMENT DEED EXECUTED BY RAVI DATED 19.01.1994.
- EXHIBIT P3. COPY OF THE PURCHASE CERTIFICATE DATED 15.05.1981.
- EXHIBIT P4. COPY OF THE LATEST TAX RECEIPT DATED 22.07.2013.
- EXHIBIT P5. COPY OF THE ENCUMBRANCE CERTIFICATE DATED 13.08.13.
- EXHIBIT P6. COPY OF THE JUDGMENT IN W.P.(C), NO.8772/2013 DATED 27.3.2013.
- EXHIBIT P7. COPY OF THE JUDGMENT IN W.P.(C), NO.12566/2013 DATED 21.05.2013.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE.

Prv.

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