

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WA.No. 2487 of 2015 IN WP(C).5365/2013

AGAINST THE JUDGMENT IN WP(C) 5365/2013 of
HIGH COURT OF KERALA DATED 17-07-2015

APPELLANT(S)/PETITIONER:

MOHAMMED A.MALIKA,
PRESIDENT, RAHMANIYYA MUSLIM JAMA ATH, AMBATTAKKUZHY
SHIRIYA.P.O, KASARAGOD DISTRICT.

BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.GEORGE MATHEWS
SMT.CELINE JOSEPH
SRI.P.BHARATHAN

RESPONDENT(S)/RESPONDENTS:

1. DISTRICT COLLECTOR,
KASARAGOD DISTRICT, KASARAGOD, PIN-671121.
2. THE SECRETARY,
MANGALAPPADY GRAMA PANCHAYATH, MANGALAPADY.P.O, UPPALA
KASARAGOD DISTRICT, PIN-671322.
3. T.SHANKARA NARAYANAN RAO,
S/O.RAMAKRISHNAN RAO, NEAR SHIRIYA RATION SHOP
SHIRIYA VILLAGE, SHIRIYA.P.O, KASARAGOD
PIN-671321.

BY SRI.ANEESH JOSEPH
BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.2487 of 2015

Dated this the 21st day of November, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

This writ appeal has been filed against the judgment dated 17.7.2015 in W.P.(C)No.5365/13, by which judgment, the writ petition filed by the appellant was dismissed. The appellant filed the writ petition seeking the following reliefs :

"a) issue a writ of certiorari or other appropriate writ order or direction to call for the original of Ext.P6 order and to quash it.

b) to declare that the petitioner representing the Rahmaniya Muslims Jama-ath, Ambattakkuzhy, has every right to construct and maintain a prayer hall for their religious requirements.

c) Grant such other and further reliefs which are just and proper."

2. By Ext.P6 order, the District Collector has rejected the request for NOC for the construction of a new Prayer

Hall in re-survey No.109 of Shiriya village. The learned Single Judge, after considering the submission of the writ petitioner, had noticed that the District administration was careful enough to obtain report of the Superintendent of Police and the Revenue Divisional Officer and both have recommended not to grant NOC.

3. The learned counsel for the appellant submits that the construction sought, was only for a small Prayer Hall. He submits that, for that, no such NOC is required. The District Collector, who is the competent authority to take a decision regarding granting of NOC, is entitled to take into consideration all aspects of the matter, including the reports from the subordinate authorities and the police authorities. As the District Collector, after obtaining the reports, has not granted NOC, we are of the view that, it is not for this Court to exercise the appellate jurisdiction under Article 226 of the Constitution of India to interfere with such a decision taken by the District Collector. We do not find any error in the

judgment of the learned Single Judge. Hence this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge