

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5036 of 2015 (D)

PETITIONER(S):

1. P.P.KOSHY, AGED 52 YEARS,
S/O.LATE PHILIPOSE, RESIDING AT SOSA MANSION,
MUTHUKATTUKARA MURI, PALAMEL VILLAGE
MAVELIKKARA TALUK, ALAPPUZHA.
2. ALIYAMMA, AGED 76 YEARS,
W/O.LATE.PHILIPOSE, RESIDING AT SOSA MANSION,
MUTHUKATTUKARA MURI, PALAMEL VILLAGE,
MAVELIKKARA TALUK, ALAPPUZHA.

**BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH**

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, ALAPPUZHA,
PIN - 690 501.
2. LOCAL LEVEL COMMITTEE (NATIONAL TRUST ACT 1999),
C/O.KVM TRUST, MARUTHOORVATTOM P.O., CHERTHALA,
ALAPPUZHA, PIN - 688 524, REPRESENTED BY ITS CONVENOR.
3. THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR, NOORANADU P.O.,
ALAPPUZHA DISTRICT, PIN - 690 504.

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 5036 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE PARTITION DEED NO.2316/17.10.1987.

**EXT.P2: TRUE COPY OF THE APPLICATION TO THE FIRST RESPONDENT,
DTD.16.10.2014.**

**EXT.P3: TRUE COPY OF THE REPORT DTD.21.10.2014 OF THE VILLAGE OFFICER,
PALAMEL, TO THE DISTRICT COLLECTOR.**

EXT.P4: TRUE COPY OF THE COMMUNICATION OF 2ND RESPONDENT DT. NIL.

EXT.P5: TRUE COPY OF THE CONTENTS OF THE SALE DEED DTD.21.1.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 5036 of 2015

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Dated, this the 25th day of February, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

"(a) Issue a writ of mandamus commanding the 3rd respondent to register the sale deed (in respect of 16 cents comprised in Sy. No. 24/5 A, Palamel village, Mavelikara Taluk, Alappuzha district) presented by the petitioners in favour of Sri. Prasannan , S/o Ramachandran, Kunnathethu, venmoni P.O., without insisting for certificate of guardianship of Smt. Elizabeth Philip from the 2nd respondent.

(b) Declare that the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation And Multiple Disabilities Act 1999, would apply to the person of the disabled and not for the property of the disabled.

(c) Pass such other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

2. The learned counsel for the petitioners submits that the petitioners have already preferred Ext. P2 application before the first

respondent, which was forwarded to the second respondent, who is the competent authority to consider the grievance and to pass appropriate orders. Because of the delay in finalizing the matter, much adverse hardships are being faced by the petitioners. Hence the present writ petition.

3. Considering the facts and circumstances, there will be a direction to the second respondent to pass appropriate orders on Ext. P2 in accordance with law, after giving an opportunity of hearing to petitioners, which shall be done at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

Issues raised by the petitioners with regard to the various contentions, rights and liberties and scope and applicability of National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation And Multiple Disabilities Act 1999, are left one.

The Writ Petition is disposed.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd