

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 7379 of 2015 (V)

PETITIONER(S) :

**A.R.MOHANAN,
MANAGING DIRECTOR, M.S.HOTELS PRIVATE LTD., M.M.ROAD,
MUNNAR, IDUKKI DISTRICT, PIN:685 603.**

**BY SRI.N.SUKUMARAN (SENIOR ADVOCATE)
ADVS. SRI.S.SHYAM
SRI.N.K.KARNIS**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, IDUKKI-685 603.**

BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE SALE DEED DATED 11.07.1968 BEARING NO.600 OF 1968 OF THE SUB REGISTRY OFFICE, DEVIKULAM.**
- EXHIBIT P2: TRUE COPY OF THE SALE DEED DATED 28.02.1980 BEARING NO.289/1980 OF THE SUB REGISTRY OFFICE, DEVIKULAM.**
- EXHIBIT P3: TRUE COPY OF THE SALE DEED NO.1746 OF 1987 OF THE SUB REGISTRY OFFICE, DEVIKULAM DATED 29.12.2001.**
- EXHIBIT P4: TRUE COPY OF THE SALE DEED NO.889 OF 2012 DATED 27.03.2012 OF THE SUB REGISTRY OFFICE, IDUKKI.**
- EXHIBIT P5: TRUE COPY OF THE ORDER OF THE KERALA LAND BOARD DATED 29.03.1974.**
- EXHIBIT P6: TRUE COPY OF THE BASIC TAX RECEIPT DATED 28.01.2014.**
- EXHIBIT P7: TRUE COPY OF THE OWNERSHIP CERTIFICATE DATED 14.05.2013.**
- EXHIBIT P7(A): TRUE COPY OF THE OWNERSHIP CERTIFICATE DATED 04.02.2014.**
- EXHIBIT P8: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 22.09.2012.**
- EXHIBIT P9: TRUE COPY OF THE REPORT OF THE TAHSILDAR, DEVICULAM DATED 07.01.2014.**
- EXHIBIT P10: TRUE COPY OF THE OPINION OF THE ADDL. GOVT. PLEADER, MUNNAR TRIBUNAL DATED 10.03.2014.**
- EXHIBIT P11: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 11.06.2014.**
- EXHIBIT P12: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 28.05.2014.**
- EXHIBIT P13: TRUE COPY OF THE JUDGMENT DATED 12.08.2014 IN W.P.(C).NO.15172 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA.**
- EXHIBIT P14: TRUE COPY OF THE NOC ISSUED IN FAVOUR OF THE PETITIONERS IN W.P.(C).NO.15172 OF 2014 DATED 24.01.2015.**

WP(C).No. 7379 of 2015 (V)

**EXHIBIT P15: TRUE COPY OF THE APPLICATION SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT
DATED 05.02.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 7379 of 2015

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "A. Call for the records relating to Exts.P11 and P15 from the 2nd Respondent.*
- B. Quash Ext.P11 by the issue of a writ of certiorari or other appropriate writ, direction or order.*
- C. Issue a writ of mandamus commanding the 2nd respondent to allow Ext.P15 as prayed for therein.*
- D. Such other reliefs which in the circumstances of this case, this Honourable Court deems just and proper."*

2. It is stated that under similar circumstance, when NOC was refused to be issued to similarly situated persons, they had approached this Court by filing WP(C) No.15172/2014, which was disposed of setting aside the earlier impugned order as per Ext.P13 judgment dated 12.08.2014. Pursuant to Ext.P13, the matter was considered and Ext.P14 NOC was issued in favour of the petitioners in WP(C) No.15172/2014.

3. In the said circumstance, the petitioner has filed Ext.P15 before the 2nd respondent. Prayer is to cause the same to be considered in similar lines.

4. Heard the learned Special Government Pleader for the respondents as well.

5. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P15, after affording an opportunity of hearing to the petitioner, also in the light of Exts.P13 and P14. So as to facilitate such exercise, Ext.P11 will stand set aside. It shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.