

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 17356 of 2015 (T)

PETITIONER:

FRANCIS K.A., AGED 58 YEARS,
S/O.ANTONY, KANNAMPALLIL HOUSE,
EDAKARA, PALOANA DESOM,
MAIKKAVU P.O., CALICUT PIN 673573.

BY ADVS.SRI.M.V.JOY
SRI.T.K.SAJEEV
SRI.R.PARAMESWARA IYER

RESPONDENTS:

1. MELOOR GRAMA PANCHAYATH,
MELOOR P.O., CHALAKUDY, THRISSUR-680311
REPRESENTED BY ITS SECRETARY.

2. SECRETARY
MELOOR GRAMA PANCHAYATH,
MELOOR P.O., PIN 680311.

R1,R2 BY ADV. SRI.P.V.PAULSON
R1,R2 BY ADV. SRI.SABU PULLAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE TITLE DEED OF THE PROPERTY DATED 4.11.2014.
- EXHIBIT P2 : TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, MURINGOOR, VADAKKUMURY VILLAGE FOR 2014-2015.
- EXHIBIT P3 : TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF MR.JEESON DATED 15.03.2013.
- EXHIBIT P4 : TRUE COPY OF THE LOCATION SKETCH DATED 08.01.2015 ISSUED BY THE VILLAGE OFFICER, MURINGOOR, VADAKKUMMURY.
- EXHIBIT P5 : TRUE COPY OF THE APPLICATION FOR CHANGE OF OWNERSHIP OF NO OBJECTION CERTIFICATE IN FAVOUR OF THE PETITIONER, FILED BEFORE THE 2ND RESPONDENT DT 3.3.2015.
- EXHIBIT P6 : TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 24.3.2015.
- EXHIBIT P7 : TRUE COPY OF THE DECISION DATED 12.3.2013.
- EXHIBIT P8 : TRUE COPY OF THE CIRCULAR NO.1663/RA1/2013/LSGD DATED 5.2.2013.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 3rd day of September, 2015

JUDGMENT

Ext.P7 report of the Local Level Monitoring Committee reflects that the property wherein the house is constructed was a garden land and not a wet land. It is only for wet lands does the embargo of ten years for transfer as stipulated in Ext.P8 circular apply. I am fortified in this view by the judgment dated 11.12.2014 in WP(C) No. 13560/2014.

2. All that the petitioner wanted was to substitute his name in Ext.P3 'No Objection Certificate' issued by the first respondent in favour of his assignor. The building was almost constructed when the assignment took place and the petitioner who has completed it is entitled to the benefit of Ext.P3 ' No Objection Certificate'. This is particularly so since the land in which the building is situated was not a wet land but was a garden land as stated earlier.

3. Ext.P6 order of the second respondent refusing to include the name of the petitioner also in Ext.P3 'No Objection

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Certificate' is hereby quashed. The second respondent is directed to issue a fresh 'No Objection Certificate' to the petitioner in continuation of Ext.P3 'No Objection Certificate' within a period of one month from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd