

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 27905 of 2015 (K)

PETITIONER(S) :

1. **P.HANEESH,**
S/O.HAMZA P.V.,PATTANMMAR VALAPPIL HOUSE,
P.O.VATTAMKULAM, MALAPPURAM-679 578.
2. **BASHEER ANNAKKAPAD,**
S/O.HAMZA ANNAKKAPAD, KUNNATH HOUSE,
P.O.EDAPPAL, MALAPPURAM-679 576.
3. **SIDDIK.K,**
S/O.MUHAMMED KUTTY, KARUTHEDATH HOUSE,
P.O.VATTANKULAM, MALAPPURAM-679 578.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S) :

1. **STATE OF KERALA,**
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. **THE REGISTRATION INSPECTOR GENERAL,**
THIRUVANANTHAPURAM-695 001.
3. **DISTRICT REGISTRAR (GENERAL),**
MALAPPURAM-679 001.
4. **DISTRICT COLLECTOR,**
MALAPPURAM-679 001.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF G.O.(RT) NO.796/2014 DATED 07.10.2014.

**EXHIBIT-P2: TRUE COPY OF THE COMMUNICATION DATED 18.10.2014 ISSUED
BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.**

**EXHIBIT-P3: TRUE COPY OF THE COMMUNICATION DATED 26.02.2015 ISSUED
BY THE 1ST RESPONDENT.**

**EXHIBIT-P4: TRUE COPY OF THE COMMUNICATION DATED 31.03.2015 ISSUED
BY THE 1ST RESPONDENT.**

EXHIBIT-P5: TRUE COPY OF THE COMMUNICATION DATED 07.04.2015.

EXHIBIT-P6: TRUE COPY OF THE LETTER DATED 18.08.2015.

**EXHIBIT-P7: TRUE COPY OF THE COMMUNICATION DATED 23.04.2015 ISSUED
BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.**

EXHIBIT-P8: TRUE COPY OF THE LETTER DATED 05.05.2015.

EXHIBIT-P9: TRUE COPY OF THE LETTER DATED 21.08.2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 27905 of 2015

Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner has approached this Court with the following reliefs:

i) "to issue a writ of mandamus directing the respondents to implement Exts.P1, P2, P4 to P9 within a time frame to be fixed by this Hon'ble Court."

2. The petitioners are residing within the jurisdiction of Edappal Sub Registrar Office. The Government has taken a decision to shift the Edappal Sub Registrar Office to a private building owned by Sri.Sainudeen in Ward No.8 of Edappal Grama Panchayath.

3. As seen from the different communications issued by the authorities, the present building is in dilapidated condition. It suffers from leak and other decay. As per Ext.P7 issued by the District Registrar to District Collector Malappuram, it is seen that electrical wiring in the office is

not safe. It is also seen that on account of leakage, files kept in office are likely to be destroyed.

4. The learned Government Pleader on instructions would submit that it is on account of the protest from some local people that they are unable to shift the office. It is further submitted that if shifting is made, that will result in the law and order situation.

5. The public interest if demands that Sub Registrar Office is required to be shifted, necessarily, the Government is bound to protect the interest of general public. The Sub Registrar Office is an important public office which is meant to meet the requirement of general public. In such situation, placing of files in a safe place is more important than the protection of local people against the location of the sub registrar office.

6. Considering the above factual situation, this Court is of the view that the authorities shall take appropriate action immediately to shift the Sub Registrar Office to any

other building chosen by the Department. If any law and order situation arises, the District Collector is free to deploy Police personnel to curb the law and order situation. Needful shall be done by the District Collector to shift the above office within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/