

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 29807 of 2015 (A)

PETITIONER(S) :

- 1. SAIFUDDHIN AGED 40 YEARS
S/O. IBRAHIM, VADAVIL HOUSE, THALASSERI.**
- 2. SHABANA
AGED 32 YEARS, W/O. SAIFUDDHIN,
VADAVIL HOUSE, THALASSERI.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S) :

- 1. THE LAND TRIBUNAL
KOOHUPARAMBU, THALASSERY-670 101.**
- 2. THE VILLAGE OFFICER
TIRUVANGAD-670 101.**
- 3. THE DIVISIONAL RAILWAY MANAGER/WORKS,
DIVISIONAL OFFICE, WORKS BRANCH,
PALAKKAD – 678 001.**
- 4. M.K. MOOSA
DOOR NO. 37/41-A, FAUZ HOUSE
KRISHNANAN ROAD, KOZHIKODE-673 010.**

**R1 & R2 BY GOVT. PLEADER SMT. C.K. SHERIN
R3 BY ADVS. SRI.JAMES KURIAN, SC
SRI.C.S.DIAS, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-10-2015, ALONG WITH WP(C) NO. 29817/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 29807 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: TRUE COPY OF THE CERTIFICATE NO. 252/15 DT. 5/6/15 ISSUED BY
 THE 2ND RESPONDENT.**

**EXT.P2: TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER NO. 649/14
 DT. 3/12/14.**

**EXT.P3: TRUE COPY OF THE LETTER NO. J /W.280/NOC/17/937/13 DT. 10/8/15
 ISSUED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

WP.(C) Nos.29807 & 29817 of 2015

Dated this the 14th day of October, 2015

JUDGMENT

Petitioners in W.P.(C) No.29807/2015 are the absolute owners and in possession of 2.02 Ares of land in Block No.6, Ward No.11 and in T.S.No.263 of Tiruvangad Village. Petitioners in W.P.(C) No.29817/2015 are the absolute owners and in possession of 03.34 Ares of land in Block No.6, Ward No.11 and in T.S.No.263 of Tiruvangad Village.

2. The petitioners approached the Land Tribunal for issuance of Patta. The Land Tribunal initiated *suo motu* proceedings for issuance of Patta. The petitioners submit that S.M.P.No.2012/2014 in W.P.(C) No.29807/2015 and S.M.P.No.2011/2014 in W.P.(C) No.29817/2015 are pending before the Land Tribunal, Koothuparamba.

3. The petitioners submit that the petitioners intend to undertake construction. Therefore, the Municipality insisted for production of NOC from the Railway Authority. The Railway Authority insisted for production of Patta for issuing NOC.

This Court is of the view that since the petitioners' lands are near to Railway line, in order to avoid further complications in this matter, the Land Tribunal shall dispose the *suo motu* proceedings for issuance of Patta within two months from the date of receipt of a copy of this judgment. Based on the Patta issued by the Land Tribunal, the petitioners shall approach the third respondent. The third respondent shall take necessary decision on the NOC application without any delay, at any rate, within two weeks from the date of production of Patta.

These writ petitions are disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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