

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 30907 of 2015 (K)

PETITIONER(S):

1. AMINA, AGED 60 YEARS,
W/O.ABDUL RAHIMAN, MUKKATH HOUSE,
ULLANAM P.O., MALAPPURAM-676 303.
2. AYAMMAKKUTTY,
D/O.LATE MOHAMMED HAJI, MUKKATH HOUSE,
ULLANAM P.O., MALAPPURAM-676 303.
3. MAMMATHIKUTTY,
W/O.KAMMU HAJI, MUKKATH HOUSE,
ULLANAM P.O., MALAPPURAM-676 303.
4. MOHAMMED ASHRAFF,
S/O.LATE MOHAMMED HAJI, MUKKATH HOUSE,
ULLANAM P.O., MALAPPURAM-676 303.

**BY SRI.K.JAJU BABU, SENIOR ADVOCATE.
ADV. SMT.M.U.VIJAYALAKSHMI.**

RESPONDENT(S):

1. DIVISIONAL FOREST OFFICER,
MANNARKKAD DIVISION, MANNARKKAD P.O.,
PALAKKAD-678 582.
2. THE ASSISTANT DEPUTY CONSERVATOR OF
FORESTS AND WILD LIFE WARDEN,
OFFICE OF THE WILD LIFE WARDEN, 'ARANYAKAM',
SILENT VALLEY DIVISION, MANNARKKAD P.O.,
PALAKKAD-678 582.
3. SUB REGISTRAR,
ALANALLOOR P.O., PALAKKAD-678 582.

**BY SPL. GOVT. PLEADER SRI.M.P.MADHAVANKUTTY,
GOVT. PLEADER SMT.C.K. SHERIN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1. COPY OF REGISTERED SALE DEED NO.2677/2000 OF SRO ALANALLOOR PURCHASED BY THE 1ST PETITIONER.
- EXT.P2. COPY OF LOCATION CERTIFICATE NO.763/12(3) DATED 10/09/2012.
- EXT.P3. COPY OF LOCATION SKETCH RELATING TO THE PROPERTY.
- EXT.P4. COPY OF REGISTERED SALE DEED NO.2674/2000 OF SRO ALANALLOOR PURCHASED BY THE 2ND PETITIONER.
- EXT.P5. COPY OF LOCATION CERTIFICATE NO.764/12 (3) DATED 10/09/2012.
- EXT.P6. COPY OF LOCATION SKETCH RELATING TO THE PROPERTY.
- EXT.P7. COPY OF REGISTERED SALE DEED NO.2678/2000 OF SRO ALANALLOOR PURCHASED BY THE 3RD PETITIONER.
- EXT.P8. COPY OF LOCATION CERTIFICATE NO.760/12(3) DATED 10/09/2012.
- EXT.P9. COPY OF LOCATION KETCH RELATING TO THE PROPERTY.
- EXT.P10. COPY OF REGISTERED SALE DEED NO.2676/2000 OF SRO ALANALLOOR PURCHASED BY THE 4TH PETITIONER.
- EXT.P11. COPY OF LOCATION CERTIFICATE NO.761/12(3) DATED 10/09/2012.
- EXT.P12. COPY OF LOCATION SKETCH RELATING TO THE PROPERTY.
- EXT.P13. COPY OF JUDGMENT DATED 20/02/1996 IN O.P. NO. 2103/1996 OF THIS HONOURABLE COURT.
- EXT.P14. COPY OF THE COMMUNICATION OF THE 1ST RESPONDENT DATED 24/06/1997 ADDRESSED TO M/S.MOHAMMED AND ABUBAKKER.
- EXT.P15. COPY OF THE APPLICATIONS WITHOUT DOCUMENTS DATED 18/10/2013 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT THROUGH THE 3RD RESPONDENT.
- EXT.P16. COPY OF THE APPLICATION WITHOUT DOCUMENTS DATED 04/11/2013 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT THROUGH THE 3RD RESPONDENT.
- EXT.P17. COPY OF THE APPLICATION WITHOUT DOCUMENTS DATED 04/11/2013 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 1ST RESPONDENT THROUGH THE 3RD RESPONDENT.

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**EXT.P18. COPY OF THE APPLICATION WITHOUT DOCUMENTS DATED 18/10/2013
SUBMITTED BY THE 4TH PETITIONER BEFORE THE 1ST RESPONDENT
THROUGH THE 3RD RESPONDENT.**

**EXT.P19. COPY OF THE NO OBJECTION CERTIFICATE DATED 28/03/2015
ISSUED IN FAVOUR MARAKKAR HAJI, S/O.MOHAMMED HAJI,
MANNARKKAD.**

**EXT.P20. COPY OF THE NO OBJECTION CERTIFICATE DATED 13/03/2015 ISSUED
IN FAVOUR OF SMT.RAZIYA W/O.MARAKKAR HAJI.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 30907 of 2015

Dated this the 12th October, 2015

JUDGMENT

The petitioners have approached this Court on account of the insistence by the third respondent to produce No Objection Certificate from the Forest Department for the purpose of registering an instrument in respect of the property owned by the petitioners as per Exhibits P1 to P12.

2. A Division Bench of this Court in ***Selvam v. State of Kerala*** (2010(1) KLT 508) held that in the absence of any specific provision of law, which allows the interdiction of the registration of documents, insistence of No Objection Certificate from another Department is illegal and unsustainable. This was followed by another Division Bench of this Court in W.A.No.648 of 2010.

3. In view of the above, this Court is of the view that if the petitioners are bound to present the documents, the instrument shall be registered in accordance with the

Registration Act and Rules. However, this will not deter the Forest Department to stake any claim in respect of the land, if any part of the property is formed part of the Forest Department in accordance with law.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs12/10/15