

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 33539 of 2015 (N)

PETITIONER:

**LAWRENCE D, SECRETARY (CSI),
SOCIETY FOR HIGHER EDUCATION OF SIUC
COMMUNITY OF SOUTH KERALA DIOCESE OF CSI,
LMS COMPOUND, PALAYAM, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
AGRICULTURAL AHF DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM-695001.**
- 3. THE COMMISSIONER OF LAND REVENUE,
PUBLIC OFFICE BUILDINGS,
THIRUVANANTHAPURAM-695001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 33539 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: A TRUE COPY OF THE PROCEEDINGS DATED 26.9.2015.

EXHIBIT P2: A TRUE COPY OF THE MINUTES OF MEETING HELD ON 9.9.15.

**EXHIBIT P3: A TRUE COPY OF THE REPORT DATED 19.10.2015 BY THE
3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.33539 of 2015

Dated this the 23rd day of November, 2015

JUDGMENT

The petitioner is the Secretary of the Church of South India, Kerala Diocese (CSI). The petitioner approached the Government for No Objection Certificate to start Veterinary and Animal Science College at Thiruvananthapuram by the CSI mission.

2. Ext.P1 is the report of the Collector. It is submitted that some portion of the land appears to be coming under the area covered by the Kerala Scheduled Tribes Restriction of Transfer of Land and Restoration of Alienated Land Act, 1975. To overcome this hurdle in Ext.P1 report, the District Collector has made certain observations to safeguard the state interest. The District Collector forwarded the report through the Land Revenue Commissioner. The Land Revenue Commissioner in Ext.P3 reported that if the petitioner has an absolute title in respect of the land in question, NOC can be issued.

3. The learned Government Pleader also submits that the Government is taking a decision in this matter.

If the petitioner is in possession of the land and there is no other impediment, the application for NOC shall be issued in accordance with law. In the light of the facts and circumstances, there shall be a direction to the first respondent to take appropriate decision within three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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