

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.R. RAMACHANDRA MENON  
TUESDAY, THE 29TH DAY OF OCTOBER 2013/7TH KARTHIKA, 1935

27981

WP(C).No. 25341 of 2013 (E)

PETITIONER:

VELUKUTTY,  
S.O. ARUMUGHAN, AGED 57 YEARS,  
NELLIKOTTIL HOUSE, NILAMBUR,  
MALAPPURAM DISTRICT.

BY ADV. SRI R. K. MURALIDHARAN.

RESPONDENTS:

1. THE DISTRICT REGISTRAR GENERAL,  
OFFICE OF THE REGISTRAR GENERAL,  
MALAPPURAM- 675 505.
2. THE SUB REGISTRAR,  
OFFICE OF THE SUB REGISTRAR, NILAMBUR,  
MALAPPURAM DISTRICT, PIN- 679 325.

BY SR. GOVERNMENT PLEADER SRI JOSEPH GEORGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29-10-2013, ALONG WITH W.P.(C).NO. 25266/2013, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING.

Prv.

ATTN

R.R. Sent by d/o JCA

29/10/13

L-o Rego

d/o A.C. E.K.M.



29/10

**P.R. RAMACHANDRA MENON J.**

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W.P.(C) Nos. 25241 and 25266  
of 2013  
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Dated, this the 29<sup>th</sup> day of October, 2013

**JUDGMENT**

The issue involved in both these cases is similar and hence dealt with together.

2. The petitioner in W.P.(C) No. 25241 of 2013 has approached this Court with the following prayers :

- i) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to accept the document to be presented for registration by the petitioner in a portion of the property owned by the petitioner in RS No. 84/2 of Block 90 in Nilambur Village without insisting for production of NOC from the forest officials, And
- ii) Declare that the respondents are not legally entitled to direct the petitioner to produce NOC from forest officials as pre-requisite for registration of the document to be presented for registration in respect of the land owned by him in RS 84/2 of Block No. 90 in Nilambur Village; and
- iii) Issue such other orders as this Hon ble Court may deem fit to grant.

Almost similar prayers have been raised in W.P.(C) No 25266 of

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2013, but for the difference in description of the property.

3. The grievance of the petitioners is that there is absolutely no power or authority vested with the respondents to have insisted for production of NOC from the forest department, for having effected the registration of the property concerned in tune with the relevant provisions of the Registration Act. Reliance is also sought to be placed on the decisions rendered by this Court in **Selvam Vs. State of Kerala [2010 (1) KLT 50B]** and **Karappara Estate Vs. Sub Registrar and others [1996 (1) KLT 198]**. The petitioner has also produced some other verdicts of this Court vide Exts. P6 and P7, wherein similar course has been followed placing reliance on the decisions cited supra.

4. Heard the learned Government Pleader as well.

5. The fact remains is that the relevant provision in the Statute of has undergone a substantial change, whereby Section 71 (3) has been amended in the following terms, w.e.f. 13.09.2013.

**71(3)** No registering officer shall accept for registration any document involving transfer of property including contract for sale of immovable property belonging to or vested in the Government of Kerala or public sector undertakings operating in the State or local self government institutions unless it is

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W.P.(C) No. 25241 and 25266  
of 2013

3 :

accompanied by a no objection certificate issued by an  
officer authorised by the State Government in this  
behalf.

By virtue of the amended provision, it is very much obligatory for  
the parties concerned to have produced NOC issued from the  
Forest department/Revenue department, as the case may be, so as  
to cause the registration of the property concerned.

In the said circumstances, this Court finds that these writ  
petitions are not liable to be entertained for the time being.  
Accordingly, both the writ petitions are dismissed.

Sd/-

P. R. RAMACHANDRA MENON,  
(JUDGE)

kmg

Endt.No. RR3-27981/13

രജിസ്ട്രേഷൻ സബ്ജക്ട് ജനറലിസ്റ്റ് ക്ലർക്കിന്  
തിരുവനന്തപുരം, തീയതി 6/12/13

നഷ്ടം തുടങ്ങിയ നഷ്ടപരിഹാരം.

ബഹു. ഹൈക്കോടതി നിയമിക്കപ്പെട്ട പരമപ് നഷ്ടം നഷ്ടപരിഹാരം  
ചെയ്യുക (അറിവ് ലഭിക്കാൻ) നഷ്ടപരിഹാരം ചെയ്യുക.

രജിസ്ട്രേഷൻ സബ്ജക്ട് ജനറലിസ്റ്റ് ക്ലർക്കിന്.