

**Salim and Another Vs. State of Kerala to Be Represented by the Secretary Revenue Department, Secretariat Thiruvananthapuram and Others**

**Salim and Another Vs. State of Kerala to Be Represented by the Secretary Revenue Department, Secretariat Thiruvananthapuram and Others**

**SooperKanoon Citation :** [sooperkanoon.com/946721](http://sooperkanoon.com/946721)

**Court :** Kerala

**Decided On :** Jul-13-2012

**Judge :** T.R. Ramachandran Nair

**Appeal No. :** WP(C).No. 15665 of 2012 (G)

**Appellant :** Salim and Another

**Respondent :** State of Kerala to Be Represented by the Secretary Revenue Department, Secretariat Thiruvananthapuram and Others

**Judgement :**

Both the petitioners are before this Court seeking for a direction to the 6th respondent Sub Registrar to accept and register a document without insisting for production of No Objection Certificate from the Revenue Department.

2. The 1st petitioner has got 3.46 Ares property in Survey No.20/1 of Kannan Devan Hills Village at Devikulam by virtue of patta No.160 in LA 28/99/KDH dated 26.03.1999. Ext.P1 is a true copy of the patta and Ext.P2 is produced to show that the property has been mutated in the name of the 1st petitioner. An extent of 4.500 cents was sold by the 1st petitioner to the 2nd petitioner by sale deed dated 27.10.2000 produced as Ext.P3. Now they want to sell the properties after executing agreements, copies of which are produced as Exts.P4 and P5.

3. According to the petitioners, the 6th respondent is refusing to register the document for non production of No Objection Certificate from the Revenue Department and the petitioners rely upon the decision of a Division Bench of this Court in *Selvam vs. State of Kerala* (2010 (1) KLT 508) in the matter.

4. Heard the learned Government Pleader for the respondents who submitted that the petitioners are yet to produce the document for registration. The judgment of this Court in *Selvam's case* (supra) has laid down the principle that for registering a document, the parties are not required to produce No Objection Certificate from the Revenue Department, before the Registrar. The said judgment has become final as the Special Leave Petition stands dismissed.

In the light of the above, the petitioners are not required to produce No Objection Certificate as a pre-condition for registration. On production of the document for registration, it will be duly verified to find out whether the formalities under the Registration Act and Registration Rules are complied with and the document will be registered if all the formalities are satisfied without insisting for production of No Objection Certificate.

This writ petition is disposed of as above.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**