



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgement dtd 07.01.2025 in WP(C) No.31638 of 2024 of the Hon'ble High Court of Kerala filed by Sri. Rama Belichada – Contempt Case (C) 658/2026 - Complied with - Orders issued.

Local Self Government (RE) Department

G.O.

(Rt)No.832/2026/LSGD

Dated, Thiruvananthapuram, 28-03-2026.

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- Read 1. Kasaragod Municipal Council Decision No.47 dtd 19.02.1992.
 2. Proceedings No.PH2-325/92 dtd 25.03.1992 of the Municipal Commissioner, Kasaragod Municipality.
 3. Application dtd 22.10.2021 submitted by Mr. Rama Belichada to the Secretary, Kasaragod Municipality.
 4. Kasaragod Municipal Council Decision No.19/1 dtd 11.01.2022.
 5. Letter No.PH1-325/92 dtd 16.02.2022 from the Secretary, Kasaragod Municipality.
 6. Application dtd 26.02.2024 submitted by Mr. Rama Belichada to the Principal Secretary, Local Self Govt Department, Thiruvananthapuram.
 7. Letter No.LSGD/PD/11864/2024-REV5 dtd 07.11.2024 from the Principal Director, Local Self Govt Department, Thiruvananthapuram.
 8. Judgment dtd 07.01.2025 in WP(C) 31638/2024 of the Hon'ble Kerala High Court of Kerala.
 9. Letter No.118/25 dtd 20.03.2025 from Village Officer, Kasaragod.
 10. UO Note No.M3/18/2025-REV dtd 13.01.2026 of the Revenue

(M) Department, Govt Secretariat, Thiruvananthapuram.

11. Kasaragod Municipal Council Decision No.44 dtd 17.03.2026.
12. Letter No.1460719-2026 dtd 24.03.2026 from the Secretary, Kasaragod Municipality.

ORDER

As per the Decision read as 1st paper above, the Kasaragod Municipality had allotted eight residential quarters situated at Ashok Nagar, Kasaragod, to public health contingent employees under a Hire Purchase Scheme and executed an agreements with the beneficiaries stipulating that ownership of the quarters would be transferred to them upon remittance of the full cost together with interest as per the proceedings read as 2nd. The beneficiaries have remitted the entire dues, including interest at 9%, in accordance with the agreement and thereafter submitted application read as 3rd paper above, before the Municipality requesting transfer of ownership.

2) The Municipal Council, in its meeting held on 11.01.2022 resolved to transfer the ownership of the quarters to the beneficiaries, having found that all contractual obligations had been duly complied with. Since Section 215 of the Kerala Municipality Act, 1994 requires prior Government sanction for disposal of municipal property, the Municipality sought approval of the Government. On examination, Government observed that the agreement in question was executed in April 1992, i.e., prior to the introduction of the Kerala Municipality Act, 1994. As per Section 575(2) (vi) of the said Act, all contracts entered into and all instruments executed by or on behalf of the Municipal Councils, Councils or the Township Committee at such commencement shall be deemed to have been entered into or executed by or on behalf of the corresponding Municipalities constituted under this Act. In view of the above provision, and considering that the quarters were allotted to the public health contingent employees of the Kasaragod Municipality under the hire purchase scheme and that the conditions stipulated in the agreement have been duly complied with, the Law Department had opined that the ownership of the quarters could be transferred to the beneficiaries by reading the above provision along with Section 215 of the Act, which empowers a Municipality to acquire and dispose of the property.

3) However, it was subsequently revealed that the land comprised in Survey No.97/44 of Kasaragod Village, on which the quarters are situated, is classified as Revenue "AW land" and is vested with the Revenue Department as per paper read as 9 & 10. The matter was therefore referred to the Revenue Department, and that Department instructed the District Collector, Kasaragod, to take necessary steps for assignment of the land to the occupants subject to obtaining No Objection Certificate (NOC) from the Municipality.

4) Accordingly, Local Self Government Department issued instruction to the Secretary, Kasaragod Municipality and Municipal Council resolved to issue the required NOC for the assignment of land to the occupants vide decision read as 11th above, and the NOC has been submitted to the District Collector, Kasaragod vide letter read as 12th paper above. The Hon'ble High Court of Kerala, in the judgement read as 8th above, directed the 1st Respondent (Principal Secretary, Local self Government) to consider the matter and pass orders in accordance with law.

5) Government have examined the matter in detail. The land to be assigned belongs to the Revenue Dept and hence Local Self Government Dept is not in a position to assign the land to the occupants. Local Self Government Department can only issue NOC for the transfer and accordingly instructed the Kasargod Municipality to issue the NOC and that Municipality submitted the same to the District Collector for further action. With issuing NOC for the assignment, the Local Self Government Department has completed the procedures on its part and the judgement is thereby complied with. Further action regarding the assignment is vested with Revenue Department/ District Collector, Kasargod since the land is under the possession of the Revenue Department.

(By order of the Governor)
TINKU BISWAL
PRINCIPAL SECRETARY

To:

1. The Advocate General, O/o. the Advocate General, Ernakulam/ Thiruvananthapuram (with Covering Letter).
2. The Principal Director, Local Self Govt Department,

Thiruvananthapuram.

3. The District Collector, Kasaragod.
4. The Joint Director, Local Self Govt Department, Kasaragod.
5. The Secretary, Kasargode Municipality, Kasaragod.
6. The Principal Accountant General (Audit/ A&E) Kerala,
Thiruvananthapuram.
7. The Law (Opn-D) Department. (OPN-D3/251/2024-LAW dtd
19.01.2025)
8. The Revenue (M) Department. (M3/18/2025/REV dtd 02.03.2025,
05.04.2025, 13.01.2026)
9. Stock File// Office Copy. (RE3/50/2024-LSGD)

Forwarded /By order

Section Officer