

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12808 of 2013

N.Krishnamurthy

... Petitioner

Versus

1.The Assistant Commissioner,
Department of Custom and Central Excise,
Nagapattinam.

2.The Commissioner,
Department of Custom and Central Excise,
Trichy.

3.The Tahsildar,
Tharangambadi Taluk,
Nagapattinam District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the 3rd respondent to consider his representation dated 22.09.2012 and to issue patta in his favour regarding the property and measuring 1 acre and 60 cents comprised in R.S.No.366/03, Poraiyar Village, Tharangambadi Taluk, Nagapattinam District.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.A.Zakir Hussan,
Government Advocate

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O R D E R

The petitioner seeks for issuance of a direction to the third respondent to consider his representation dated 22.09.2012, wherein he has sought for issuance of patta in his favour for the property measuring 1 acre and 60 cents comprising in R.S.No.366/03, Poraiyar Village, Tharangambadi Taluk, Nagapattinam District.

2. According to the learned counsel for the petitioner, the petitioner had purchased the subject property, which

originally belonged to the Customs and Central Excise Department, who is the first respondent herein. Subsequently, the said property was sold in public auction to one Thangavel Nadar, who was the highest bidder in the said auction. The said Thangavel Nadar has settled the subject property in favour of his wife Viruthammal on 28.11.1972. The petitioner had purchased the property from Mrs. Viruthammal . Pursuant to the purchase, the petitioner had made an application dated 22.09.2012 to the 3rd respondent seeking for issuance of patta in his name.

3. The learned counsel appearing for the petitioner has submitted that though the petitioner is entitled for issuance of patta in his favour, the 3rd respondent had directed him to get a "No Objection" certificate from the second respondent. In this regard, he had earlier sent a legal notice seeking for "No Objection" from the respondents 1 and 2, to which they had replied that they had already sold the said property through public auction to one Thangavel Nadar and hence, they have no interest over the said property.

4. It is needless to point out that the 3rd respondent while conducting the proceedings for issuance of patta, may issue notice to the respondents 1 and 2, calling for any objection for issuance of patta in the petitioner's name, rather than insisting for "No Objection" certificate from them. Under the said circumstances, there shall be a direction to the 3rd respondent to consider the petitioner's application dated 22.09.2012 for issuance of patta and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of this order. The petitioner can approach the 3rd respondent with the copy of this order along with a copy of the said application, dated 22.09.2012.

5. With the above observation, the Writ Petition is disposed of. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Assistant Commissioner,
Department of Custom and Central Excise,
Nagapattinam.

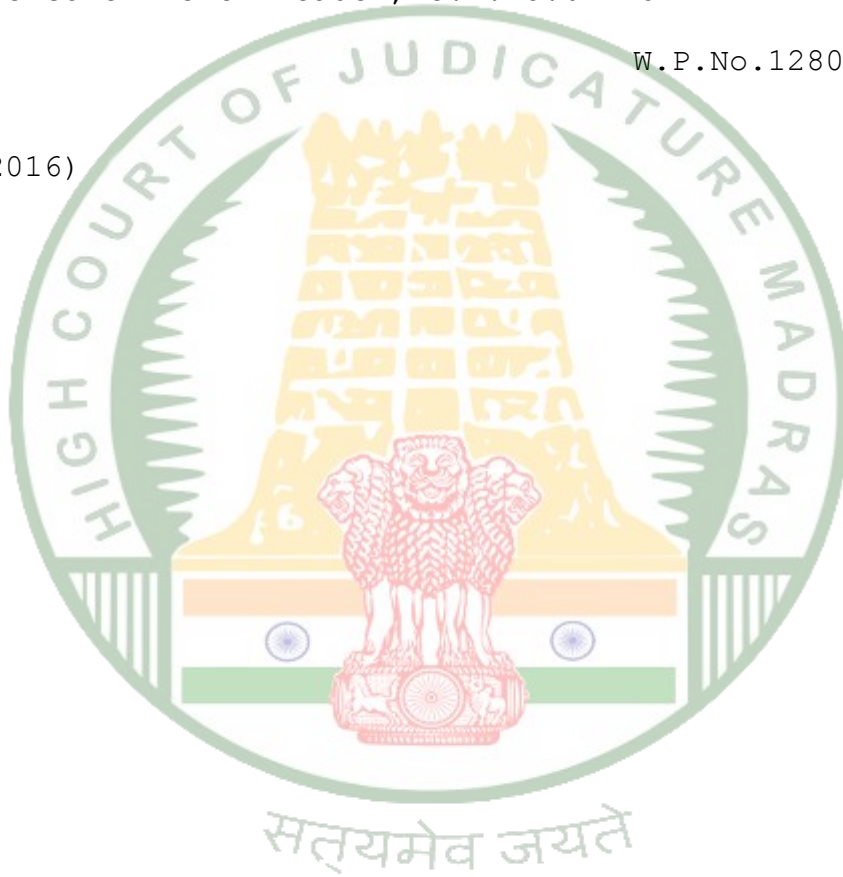
2.The Commissioner,
Department of Custom and Central Excise,
Trichy.

3.The Tahsildar,
Tharangambadi Taluk,
Nagapattinam District.

+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.61888
+1cc to the Government Pleader, S.R.No.62145

W.P.No.12808 of 2013

ALA(CO)
CA(28/11/2016)



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