

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. No.12989 of 2013

P.Bagyalakshmi

... Petitioner

Vs.

1. The Tahsildar,  
Pollachi Taluk,  
Pollachi,  
Coimbatore District.

2. The District Educational Officer,  
Pollachi Educational District,  
Pollachi, Coimbatore District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to change over the patta in the petitioner's name in respect of land situated in S.Nos.73/1A and 73/1B, Vadakkipalayam Village, Pollachi Taluk, Coimbatore District to the extent of 3.68 acres of land on the basis of the decree passed in O.S. No.70 of 2007, dated 20.12.2007 on the file of Sub Court, Pollachi, Coimbatore District.

For Petitioner : Mr.C.Prakasam  
For Respondents: Mr.K.Balamurugan,  
Government Advocate

ORDER

The petitioner had applied for change of patta to her name in respect of land situated in S.Nos.73/1A and 73/1B, Vadakkipalayam Village, Pollachi Taluk, Coimbatore District for an extent of 3.68 acres of land on the basis of the decree passed by the Sub-Court, Pollachi, Coimbatore District in O.S. No.70 of 2007, dated 20.12.2007.

2. The case of the petitioner is that his father had earlier gifted the subject land to the 2<sup>nd</sup> respondent for constructing a

school. However, since the 2<sup>nd</sup> respondent had violated the terms of the gift deed by not constructing the school therein, the petitioner had obtained a decree of declaration in O.S.No.70 of 2007, dated 20.01.2007, thereby annulling the Gift Deed. Based on the decree, the petitioner gave an application seeking for changing the patta to her name. However, the office of the first respondent, directed the petitioner to obtain a "No Objection Certificate" from the second respondent, though the petitioner had given a copy of the said decree in O.S.No.70 of 2007 to them. Aggrieved against the same, the present Writ Petition is filed before this Court.

3. The learned Government Advocate appearing for respondents would submit that since the lands were already gifted to the second respondent, it would be proper for the second respondent to issue No Objection Certificate and consequently the change of patta would be considered.

4. Under such circumstances, there shall be a direction to the second respondent to issue No Objection Certificate by considering the petitioner's application seeking for issuance of the same, based on the decree passed in O.S. No.70 of 2007, dated 20.12.2007, within two weeks from the date of receipt of this order.

5. The petitioner on receipt of such No Objection Certificate, shall apply to the first respondent for change of patta along with No Objection Certificate and on receipt of such application, the first respondent shall consider the same and pass appropriate orders on merits in accordance with law within a period of four weeks from the date of receipt of such application from the petitioner along with No Objection Certificate.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,  
Pollachi Taluk,  
Pollachi,  
Coimbatore District.

2. The District Educational Officer,  
Pollachi Educational District,  
Pollachi, Coimbatore District.

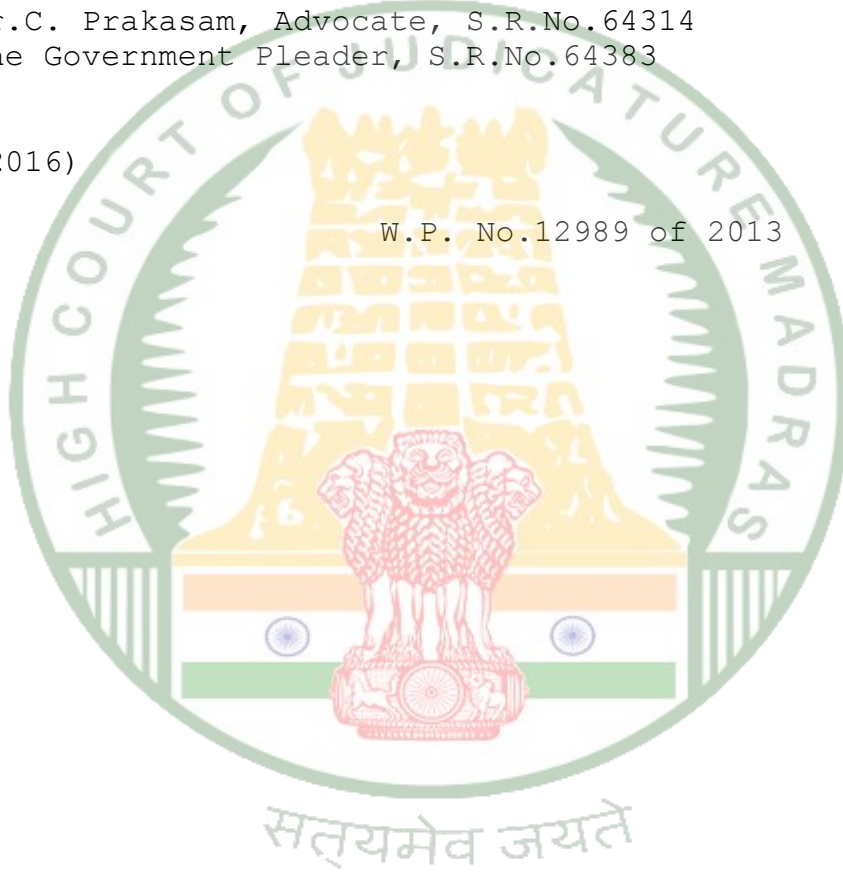
+lcc to Mr.C. Prakasam, Advocate, S.R.No.64314

+lcc to the Government Pleader, S.R.No.64383

nrjk(CO)

md(22/11/2016)

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