

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30866 of 2017

R.Madhesan

S/o Raman

Door No.4/1-38A Sree Nagar,

Near R.C.Plant,

Veerakkalpudur Village,

Mettur Taluk,

Salem District.

Rep. By his Power of Attorney

Subramani

S/o Perumal

Door No.4/1-64A,

R.C.Plant, Opposite,

Near Kannadi Mariyamman Kovil Street,

Veerakkalpudur Village,

Mettur Taluk,

Salem District.

...Petitioner

Vs.

1. The Zonal Deputy Tahsildar,
Mettur,
Salem District.

2. The Branch Manager,
State Bank of India,
Siruthozhil Branch, सत्यमेव जयते
Vellore,
Vellore District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st respondent to transfer the patta in the name of the petitioner for the Survey No.51/15 in Veerakkalpudur Village, Mettur Taluk, Salem District by considering the online application in CAN No.0330809061435 and Application No.2017/0103/08/050361 dated 01.03.2017.

For Petitioners : Mr.A.Sundaravadhanan

For Respondents : Mr.P.Senthilvel,
Government Advocate for R1

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for the first respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the first respondent to transfer the patta in the name of the petitioner for Survey No.51/15 in Veerakkalpudur Village, Mettur Taluk, Salem District, by considering his online application submitted on 01.03.2017 in CAN No.0330809061435 and Application No.2017/0103/08/00361.

3. Mr.A.Sundaravadhanan, learned counsel appearing for the petitioner submitted that the petitioner has purchased the subject matter property by way of auction sale conducted by the Debt Recovery Tribunal and a certificate is also issued to that effect followed by the execution of Sale Deed. Learned counsel for the petitioner submitted that when the said document is produced before the first respondent for getting it registered, the first respondent insisted for obtaining No Objection Certificate from the original owner of the property.

4. I do not think that the first respondent is right in insisting upon production of No Objection Certificate from the erstwhile owner when the sale deed was executed in favour of the petitioner by the Recovery Officer of the Debt Recovery Tribunal, as could be seen from the Certificate issued by the said official. Therefore, it is for the first respondent to consider the application of the petitioner dated 01.03.2017 and pass orders on the same and take appropriate steps on the said application for registering the document in accordance with law, unless, the first respondent has any other legal impediment for registering the said document. Such exercise shall be done by the first respondent within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Zonal Deputy Tahsildar,
Mettur,
Salem District.

+1cc to Mr.A.Sundaravadhanan, Advocate SR.No.84857
+1cc to Government Pleader SR.No.85407

W.P. No.30866 of 2017

GJ(CO)
sm:12.12.2017



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