

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.06.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.14475 of 2017

D.Krishnamoorthy

... Petitioner

Vs

1. The Special Commissioner
and Commissioner
Urban Land Ceiling and Urban
Land Tax, Ezhilagam,
Chepauk, Chennai - 600 005.

2. The Assistant Commissioner
for Urban Land Tax,
Poonamallee,
Chennai - 600 056.

3. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 3rd respondent in view of the Hon'ble High Court order dated 09.12.2015 by considering the petitioner's application dated 07.11.2016 thereby to issue a patta in respect of the Agriculture land comprised in Survey No.503/5 to extent of 0.72 Acres, situated at Paruthipattu Village, Poonamallee Taluk, Thiruvallur District in favour of the petitioner without insisting no objection certificate from the 1st and 2nd respondent.

For Petitioner : Mr.S.L.Venkatesan

For Respondents : Mr.R.S.Selvam,
Government Advocate

ORDER

Mr.R.S.Selvam, learned Government Advocate, takes notice for the respondents.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the above writ petition to issue a writ of mandamus, directing the 3rd respondent to consider his application dated 07.11.2016 for the issuance of patta in respect of the Agriculture land comprised in Survey No.503/5, measuring an extent of 0.72 Acres, situated at Paruthipattu Village, Poonamallee Taluk, Thiruvallur District, in his favour, without insisting on the "no objection certificate" from the 1st and 2nd respondents, in view of the order passed in W.P.No.7890 of 2012 dated 09.12.2015.

4. It is brought to the notice of the Court that the petitioner has given a representation to the 1st respondent for the issuance of No Objection Certificate. However, the 1st respondent has not issued the same yet. Further, the learned counsel submitted that the 3rd respondent is insisting on the production of the No Objection Certificate from the 1st and 2nd respondents for the issuance of patta.

5. Mr.R.S.Selvan, learned Government Advocate, submitted that the 1st respondent may be directed to consider the petitioner's representation dated 07.11.2016 for the issuance of No Objection Certificate and pass orders in accordance with law and in turn the 3rd respondent may be directed to consider the petitioner's application for issuance of patta in accordance with law.

6. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in this writ petition, without expressing any opinion with regard to the merits of the case, I direct the first respondent to consider the petitioner's representation dated 07.11.2016 for the issuance of No Objection Certificate and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and in the event of 1st respondent issuing No Objection Certificate to the petitioner, same may be produced before the Tahsildar, Avadi Taluk by the petitioner and on receipt of the same, the Tahsildar, Avadi Taluk, shall consider the representation of the petitioner for issuance of patta and pass orders in accordance with law within a period of six weeks from the date of production of No Objection Certificate.

With the above observation, the writ petition is disposed of . No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

at/rg

To

1. The Special Commissioner
and Commissioner
Urban Land Ceiling and Urban
Land Tax, Ezhilagam,
Chepauk,
Chennai - 600 005.
2. The Assistant Commissioner
for Urban Land Tax,
Poonamallee,
Chennai - 600 056.
3. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District
4. The Tahsildar,
Avadi Taluk.

+1cc to Mr.A.Ramu, Advocate Sr.41410
+1cc to the Government Pleader Sr.41568

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