

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.35419 of 2012
and
M.P.No.1 of 2012

Nawab Shafath Ali Khan
S/o.Late Arshad Ali Khan

.. Petitioner

Vs

Chairman of District Committee,
The District Collector,
Nilgiris District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue an order in the nature of Writ of Certiorarified Mandamus calling for the records in RC.No.A4/20558/2012 dated 29.06.2012 on the file of respondent and quash the same and consequently, direct the respondent not to vary or alter the permission already granted to petitioner to sell his land in S.No.144/7 in Sholur Village, Nilgiris District, measuring 1.70.30 hectares (0.39 acres) as per the earlier proceedings in R.C.No.A4/23888/2010 dated 11.10.2011 issued by respondent.

For Petitioner : Mr.R.Shanmugam

for M/s.Shanmugha Associates

For Respondent : Mr.M.Santhanaraman,

Additional Government Pleader

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner seeks quash of proceedings in RC.No.A4/20558/2012 dated 29.06.2012 on the file of respondent and consequently, direct the respondent not to vary or alter the permission already granted to petitioner to sell his land in S.No.144/7 in Sholur Village, Nilgiris District, measuring 1.70.30 hectares (0.39 acres) as per earlier proceedings in R.C.No.A4/23888/2010 dated 11.10.2011 issued by respondent.

2. Heard learned counsel for petitioner and learned Additional Government Pleader.

We find that under the impugned order, respondent has, in effect, set aside the permission granted to petitioner to sell his property in S.No.144/7 in Sholur Village, Nilgiris District, measuring 1.70.30 hectares (0.39 acres). A perusal of the order under which permission was granted informs that transaction of sale was to be completed within four months under Clause 5 of the conditions imposed therein and Clause 7 specifically informed that 'the transaction time granted in this proceeding to execute sale deed will not be extended/renewed in future'. It is admitted case that the transaction for which permission was sought has not been completed within the stipulated period. In such circumstances, no occasion arose for respondent to pass the order under challenge. On such ground alone, this Writ Petition shall stand allowed. The proceedings in RC.No.A4/20558/2012 dated 29.06.2012 on the file of respondent shall stand quashed. If the petitioner is to seek any permission towards sale of property covered by the proceedings in R.C.No.A4/23888/2010 dated 11.10.2011, he would now have to move the authorities afresh who, will necessarily, have to consider the same on merits following the principles of natural justice. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm
To
The Chairman of District Committee,
The District Collector,
Nilgiris District.

+2ccs to M/s.Shanmugha Associates, Advocate, S.R.No.78939
+1cc to the Government Pleader, S.R.No.78959

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VGII(CO)
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