

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.11511 of 2018 &

W.M.P.No.13450 of 2018

Thiru.R.Thirupathy

.. Petitioner

Vs.

1.The Tamil Nadu Water Supply and
Drainage Board,
Rep. by its Managing Director,
31, Kamarajar Salai,
Chepauk, Chennai - 600 005.

2.The Assistant Director,
Survey & Land Records Department,
District Collector Complex,
Coimbatore.

3.The Revenue Divisional Officer,
Coimbatore South,
Railway Station Road,
Coimbatore.

4.The Tahsildar,
Coimbatore South Taluk,
Coimbatore District.

5.The Commissioner,
Coimbatore Municipal Corporation,
Raja Street, Coimbatore.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to issue No-Objection Certificate to rectify the mistake occurred in the Town Survey Land Register maintained by the fifth respondent in respect of the petitioner land comprised in S.F.No.655 and 656/1, Uppilipalayam Village, Coimbatore Taluk, Coimbatore, to an extent of Acre 1.72 cents, based on the representation dated 15.03.2018.

For Petitioner : Mr.K.Chozhan

For Respondents : Mr.S.Enaskine Leo

Standing Counsel for R1

Mr.V.Shanmugasundar
Special Government Pleader for R2 to R4

Mr.K.Magesh
Standing Counsel for R5

O R D E R

Mr.S.Enaskine Leo, learned Standing Counsel takes notice for the first respondent; Mr.V.Shanmugasundar, learned Special Government Pleader takes notice for the respondents 2 to 4 and Mr.K.Magesh, learned Standing Counsel takes notice for the fifth respondent. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with the present Writ Petition seeking direction to the the first respondent to issue No-Objection Certificate to rectify the mistake occurred in the Town Survey Land Register maintained by the fifth respondent in respect of his land comprised in S.F.No.655 and 656/1, Uppilipalayam Village, Coimbatore Taluk, Coimbatore, to an extent of Acre 1.72 cents, based on his representation dated 15.03.2018.

3. The case of the petitioner is that the land in Survey Nos.655 and 666/1 measuring to an extent of 1.72 acres is an ancestral property and he is now in possession and enjoyment of the same.

4. The learned counsel for the petitioner submitted that verification of the records revealed that it is wrongly entered in the name of the first respondent and hence, to rectify the mistake, he gave a representation to the respondents. Since it was not considered, the present Writ Petition. It is further submitted that the mistake has been committed by the fifth respondent and therefore, there is no necessity to get a 'No Objection Certificate' from the first respondent and the petitioner's representation to the fifth respondent dated 26.02.2018 was not considered. It is further submitted that it would suffice, if a direction is issued to the fifth respondent to consider the grievance of the petitioner.

5. The learned Standing Counsel for the fifth respondent submitted that no proof is produced by the petitioner for sending representation dated 26.02.2018 and if a fresh representation is given, it would be considered in accordance with law.

6. In the light of the above submissions, this Court directs the petitioner to give a fresh representation to the fifth respondent by enclosing a copy of this order within a period of

two weeks from the date of receipt of a copy of this order. On such receipt, the first respondent shall consider the same and pass orders on merits and in accordance with law, after providing opportunity to all necessary parties within a period of six weeks therefrom. Till such time, the respondents shall not take any coercive action. It is made clear if the petitioner fails to give a fresh representation, the respondents are at liberty to take further action as per law.

7. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

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4. The Tahsildar,
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Coimbatore District.

5. The Commissioner,
Coimbatore Municipal Corporation,
Raja Street, Coimbatore.

+1 CC to Mr.K.Chozhan, Advocate sr 32441.

+1 CC to Mr.K. Magesh, Advocate sr 32332.

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SP(28/04/2018)