



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23335 of 2018

Dr.N.Selvaraj

... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Karur District.

2. The Assistant Director Cum
Personal Assistant of District Collector (Land Survey),
Survey and Land Records Department,
Karur.

3. The Tahsildar,
Taluk Office,
Karur Taluk,
Karur District.

... Respondents

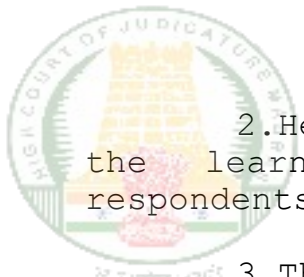
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue the No Objection Certificate to register the petitioner's Property in New Survey No.152/19, Old Survey No.152/1A situated at Door No.618, Salem Main Road, Vengamedu Post, Inam Karur Village, Karur Taluk, Karur District and proceeding of the 2nd respondent Letter in Na.Ka.No.Aa/2638/2018, dated 16.08.2018 within the time frame as fixed by this Court.

For Petitioner : Mr.V.Muthusamundeeswaran

For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, to direct the third respondent to issue the No Objection Certificate to register the petitioner's Property in New Survey No.152/19, Old Survey No.152/1A situated at Door No.618, Salem Main Road, Vengamedu Post, Inam Karur Village, Karur Taluk, Karur District and proceeding of the 2nd respondent Letter in Na.Ka.No.Aa/2638/2018, dated 16.08.2018.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he is a Doctor by profession and his father purchased the above property in Survey No.152/1 Vengamadu, Karur Taluk, Karur by way of registered sale deed, dated 24.01.1973 and after his marriage, the petitioner's father transferred the aforesaid property in his favour and his brother through a registered Gift Deed. Since the petitioner wanted to sell his portion of the property, his father approached the District Registrar Office, Karur to register the sale deed, but he refused to register the same by issuing a Letter in Na.Ka.No.4240/Aa/2017, dated 27.10.2017 quoting the Writ Petition in W.P(MD)No.2895 of 2011. As per the order of this Court, no registration should be registered without getting 'No Objection Certificate' from the Committee constituted as per the direction given by this Court. Thereafter, the petitioner has given a representation on 01.08.2018 to the District Collector and members of the Committee to issue No Objection Certificate. The Committee has also sent a reply notice to the petitioner to approach the Tahsildar of Karur to get No Objection Certificate. The petitioner has approached the Tahsildar in person to issue the No Objection Certificate, but they have not passed any order. Hence, the petitioner sent a representation to the third respondent on 09.11.2018 by speed post and he would submit that the building which is in dilapidated condition requires renovation and he wanted to renovate it and he has to get No Objection Certificate from the Constituted Committee as per the direction of this Court. The property purchased and constructed the house by getting approval from the Municipal Corporation by his father earlier and the approval of the Town and Country Planning was sanctioned by the Municipality of Karur on 13.01.1983.

4. It could be seen from the materials produced that the petitioner's case was directed to be considered by the concerned authorities by an earlier order of this Court that:

"(i) A Committee comprising of a Joint Director of Town and Country Planning, nominated by the first respondent, a Revenue Divisional Officer nominated by the second respondent and an officer of the rank of Assistant Director of Survey and Land Records, nominated by the second respondent, is hereby constituted,

(ii) Within two weeks of receipt of a copy of the order, the first respondent shall nominate an officer of the rank of Director of Town and Country Planning, who has a track record as an officer of high integrity. Similarly, the second respondent District Collector shall also nominate an officer of the rank of Revenue Divisional Officer and an officer of the rank of Assistant Director of Survey and Land Records within two weeks of the receipt of the copy of the



order.

(iii) The Committee so constituted shall take into possession, within two weeks of the constitution, all the records available in the offices of the respondents 1 to 3 or in the offices of any one of the Assistant Directors or Deputy Directors of Town and Country Planning, which relate to the layout in question.

(iv) Thereafter, the Committee shall conduct a local inspection of the lands in S.F.Nos.135, 136, 137, 138, 140, 141, 146, 151, 152, 153, 154, 155 and 160 in Vengamadu region, Inam Karur Town, Karur District with the help of Town/Municipal Surveyors, Village Administrative Officers and Revenue Inspectors and submit a report.

(v) The report shall indicate

(a) the lands earmarked for public purposes as per the approved layout

(b) the details of lands sold by the promoters/original owners, from out of the lands earmarked for public purposes.

(c) the details of persons, who have purchased the lands

(d) the details of buildings constructed at such lands along with an indication whether building plan approvals have been obtained or not

(e) the details of the elected representatives of the third respondent Municipality, who have purchased lands in their own names or in the names of their close relatives and the details of construction put up by them.

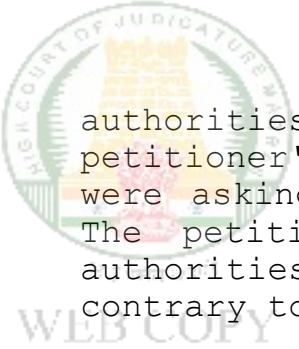
(vi) The report as indicated above shall be submitted by the Committee within a period of three months from the date of constitution of the Committee.

(vii) Till the Committee submits its report, the concerned Sub-Registrar/District Registrar shall not allow registration of any documents relating to the lands in the above survey numbers, unless the Committee issues a no objection certificate that such a land does not form part of the land earmarked for public purposes.

(viii) Till the Committee files its report, the Municipality shall not accord any building plan approval, on the land earmarked for public purposes, except with a no objection certificate issued by the Committee

(ix) Till the Committee submits its report, no electricity connection shall be given to the buildings that have come up recently on the lands earmarked for public purposes and

(x) The third respondent Municipality is also enjoined from granting regularization to unauthorized constructions and the constructions put up on the lands earmarked for public purposes."



authorities has to issue No Objection Certificate and the petitioner's application was considered by the Committee and they were asking the Tahsildar to take action on the said application. The petitioner claimed that no action has been taken by the authorities for the past two months and the petitioner affidavit is contrary to each of the submission submitted before this Court.

6.The petitioner's father has purchased the property in the year 1973 and at that point of time, there is no rule regarding getting approval from the Town and Country Planning Authority. He wanted to sell part of the property and consequently, he also wanted to renovate the building. This Court is not inclined to interfere with the matter since he has already approached the authority and the same is pending and the authority has to considered his representation and the prayer as such is not maintainable and it is left open to the petitioner to approach the concerned authority and proceed further in accordance with law.

7.With the above observations, this Writ Petition is dismissed. No costs.

Sd/

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Collector,
Collectorate Building,
Karur District.
2. The Assistant Director Cum
Personal Assistant of District Collector (Land Survey),
Survey and Land Records Department,
Karur.
3. The Tahsildar,
Taluk Office,
Karur Taluk, Karur District.

+1 cc to Spl.Govt.Pleader, SR.No.96770

+1 cc to Mr.V.Muthu Samundeeswaran, Advocate, SR.No.96927

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SS/RSK/SAR 4/19.12.2018/4P/6C