

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.37889 of 2004

N.Mani

...Petitioner

vs

1.The Regional Deputy Tahsildar-I,
Rasipuram, Namakkal District.

2.Head Quarters Deputy Tahsildar,
Rasipuram, Namakkal District.

3. The Revenue Divisional Officer,
Namakkal Division, Namakkal.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to issue "No Objection Certificate" to the petitioner to sell the property in patt no.328, survey no.21-4, Alavaipatti village, Kasipuram, Namakkal district.

For Petitioner :M/s. CKM Appaji &
RM Meenakshisundaram.

For Respondents: Mr.Akhil Akbar Ali
Govt. Advocate for R1 - R3

O R D E R

The relief sought for in the present writ petition is to direct the 3rd respondent to issue "No Objection Certificate" to the petitioner to sell the property in patta no.328, survey no.21-4, Alavaipatti village, Kasipuram, Namakkal district.

2. The writ petitioner states that he belongs to Adi Dravida community which is classified as Schedule Caste community. During the year 1954, the Government assigned the land in favour of the father of the writ petitioner for agricultural purposes and accordingly, the father of the writ petitioner was in possession and enjoyment of the same. After the demise of the

father of the writ petitioner, he inherited the property and is in possession and enjoyment of the same.

3. The writ petitioner states that the property under his occupation is continuing for more than 50 years and therefore, he is entitled to sell the property and in this regard, he made an application seeking "No Objection Certificate" from the Competent Authorities. The said application has not been considered and therefore, the writ petitioner is constrained to move the present writ petition.

4. This Court is of an opinion that assignment of lands are provided on certain terms and conditions. Assignment of lands are given to lead livelihood as far as the poor landless persons are concerned. While granting assignment, conditions are imposed and the father of the writ petitioner accepted the assignment on certain conditions. The normal conditions imposed at the time of assignment are that, the property assigned cannot be sold for the period of ten years and after a lapse of ten years also the property has to be sold to another depressed class person and in any event the assigned land cannot be sold in favour of any non-depressed person.

5. Apart from these conditions, other conditions are also imposed in the assignment order. Thus, the writ petition cannot be considered for the issuance of "Non Objection Certificate" and the writ petitioner is bound by the terms and conditions imposed in the assignment order by the Authorities.

6. This being the principles to be considered, the writ petitioner is not entitled for the relief as sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The Regional Deputy Tahsildar-I,
Rasipuram, Namakkal District.

2.Head Quarters Deputy Tahsildar,
Rasipuram, Namakkal District.

3. The Revenue Divisional Officer,
Namakkal Division, Namakkal.

+lcc to C.K.M.Appaji, Advocate Sr.5719
+lcc to the Government Pleader Sr.6036

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srg 18/02/2019



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