

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.12668 of 2020

R.Lakshmi Narasimhan

...Petitioner

..Vs..

1. The Secretary
Revenue Department
Fort St. George Chennai - 600 009.
2. The Principal Commissioner and
Commissioner of Land Reforms
Chepauk, Chennai - 600 005.
3. The Assistant Commissioner of Urban
Land Tax and Ceiling (T.Nagar Zone)
No.130, Old No.212, TNSCB Office Complex
II Floor, Ramakrishnamutt Road,
Saradapuram, Mylapore
Chennai - 600 004.
4. The Thasildar
Mylapore - Triplicane Taluk
Greenways Road,
Chennai - 600 004.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to dispose of the petitioner's representation dated 27.01.2020 to issue 'No Objection Certificate' in compliance of the order of the Honourable High Court dated 30.11.2012 in W.P.No.24457 of 2009 to the 4th respondent by the 3rd respondent.

For Petitioner : Mr.S.Suresh

For Respondents : Mr.S.N.Parthasarathi
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to dispose of the representation made by the petitioner on 27.01.2020, wherein the petitioner has sought for a 'No Objection Certificate' in compliance with the earlier orders passed by this Court in W.P.No.24457 of 2009 dated 30.11.2012.

2. When the matter came up for hearing on 08.10.2020, this Court passed the following order:-

"This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to issue 'No Objection Certificate' in compliance to the order passed by this Court in W.P.No.24457 of 2009.

2. The learned Government Advocate, on instructions from the third respondent, submitted that the request made by the petitioner has been rejected by the third respondent by endorsement dated 19.03.2020. In the considered view of this Court, this endorsement made by the third respondent is in direct violation of the earlier orders passed by this Court. The third respondent has no right to sit over the orders passed by this Court and take an independent decision.

3. As a last chance, the third respondent is directed to withdraw the proceedings dated 19.03.2020 and proceed further to deal with the representation strictly in accordance with the order passed by this Court in W.P.No.24457 of 2009 dated 30.11.2012.

4. Post this case for reporting compliance on 29.10.2020."

3. Mr.S.N.Parthasarathi, learned Government Advocate appearing on behalf of the respondents circulated the letter dated 23.10.2020 sent by the third respondent to the petitioner. A careful reading of the letter shows that the earlier endorsement that was made on 19.03.2020 has been cancelled. The specific stand taken by the third respondent is hereby recorded.

4. In view of the above development, there shall be a direction to the petitioner to submit a fresh application to the fourth respondent seeking for patta with respect to the subject

property and the fourth respondent on receipt of the application shall pass appropriate orders within a period of four weeks from the date of receipt of application from the petitioner. The fourth respondent shall take into consideration the earlier orders passed by this Court in W.P.No.24457 of 2009 on 30.11.2012 and also the letter of the third respondent dated 23.10.2020 cancelling the endorsement made on 19.03.2020.

5. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CCC)

// True Copy//

Sub Assistant Registrar

mra

To

1. The Secretary
Revenue Department
Fort St. George
Chennai - 600 009.
2. The Principal Commissioner and
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4. The Thasildar
Mylapore - Triplicane Taluk
Greenways Road,
Chennai - 600 004.

+1cc to Mr.S.Suresh, Advocate, SR.No.35139
+1cc to Government Pleader, SR.No.35218

W.P.No.12668 of 2020

VSN II (CO)
KKV/11/12/2020