

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14231 of 2020

G. Babu @ Rajasekar

... Petitioner

Vs.

1. The District Collector,
Vellore District.

2. The District Collector,
Ranipet District.

... Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed in Na.Ka.B4/887/2018 dated 09.10.2019 passed by the first respondent and quash the same and direct the second respondent to issue NOC for the purpose of conversion of land use situated at S.No.72/4A1, Seekarajapuram Village, Walajah Taluk, Ranipet District, measuring an extent of 0.67.5 hectares in favour of the petitioner within a reasonable time that may be fixed by this Court.

For Petitioner : Mr.V.Karthic, Senior Counsel
for Mr.N.Damodaran

For Respondents: Mr.V.Shanmugasundar
Special Government Pleader

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O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed in Na.Ka.B4/887/2018 dated 09.10.2019 by the first respondent and quash the same and direct the second respondent to issue NOC for the purpose of conversion of land use situated at S.No.72/4A1, Seekarajapuram Village, Walajah Taluk, Ranipet District, measuring an extent of

0.67.5 hectares in favour of the petitioner within a reasonable time that may be fixed by this Court.

2. The petitioner is an owner of the sub divided S.No.72/4A1 to an extent of 1.67 Acres bearing Patta No.1437 situated in the above-mentioned area,. The said property was purchased by the petitioner in the year 2013, which was originally classified as Nanjai land and no agricultural activity has been carried on in the said land after his purchase. When he decided to form a layout and sell the property by converting them into housing plots, the petitioner had applied for issuance of "No Objection Certificate" for the purpose of conversion of the land use from agricultural to house site and for formation of a lay out. He also obtained the "No Objection Certificate" from as many as five departments. When the "No Objection Certificate" was applied for the purpose of conversion of the land before the first respondent herein, it was rejected on the ground that the land is described as Lake in Village A-Register, it is situated in a low lying area and that it is abutting the National Highway-4 and the distance between Chennai and Bangalore Railway Track is only 49 metres. The said order is no challenged before this Court by the petitioner.

3. It is also pointed out that in the meanwhile, the District of Vellore is trifurcated into Vellore, Tirupattur and Ranipet and the land of the petitioner comes within the territorial jurisdiction of Ranipet District. Hence, the petitioner has shown the District Collectors of both Vellore and Ranipet as respondents.

4. Though the impugned order is passed by the District Collector, Vellore, on 09.10.2019, the same has to be passed now by the District Collector, Ranipet.

5. At this juncture, the learned Special Government Pleader appearing for the respondents would state that the second respondent/ the District Collector, Ranipet, may be directed to consider the application of the petitioner afresh and pass orders.

6. Therefore, without going into the merits of the case, the impugned order passed by the first respondent dated 09.10.2019 is set aside and the second respondent/ the District Collector, Ranipet, is directed to consider the case of the petitioner afresh in the light of the relevant Rules of the Tamil Nadu Combined Development Building Rules, 2019, within a period of six (6) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

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Sub Assistant Registrar

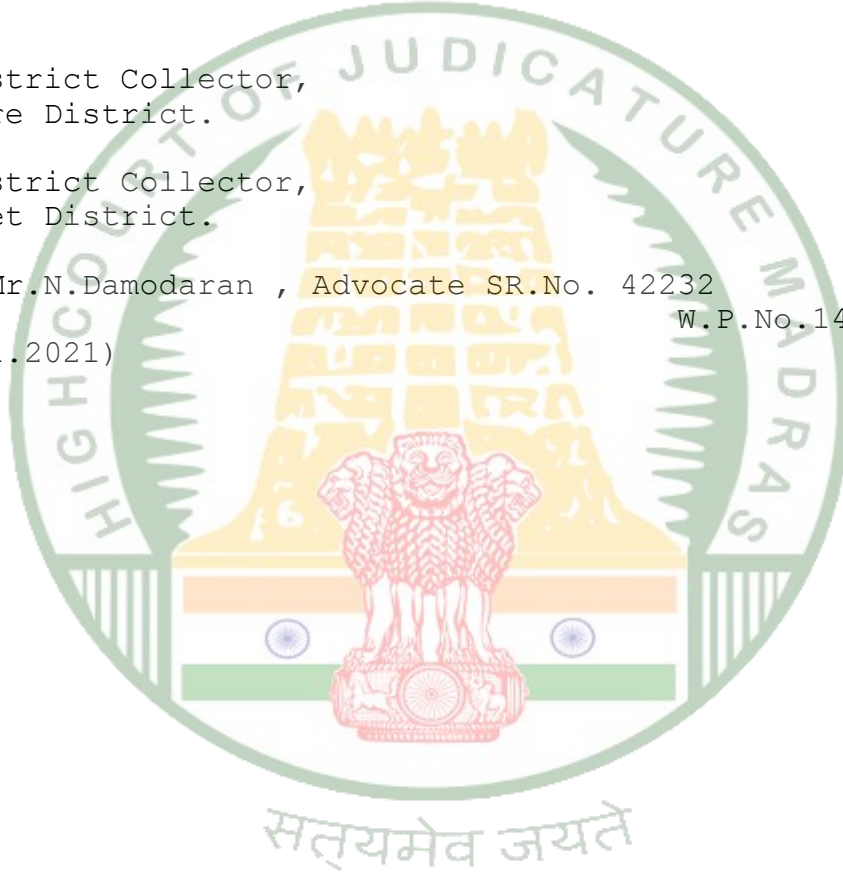
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To

1. The District Collector,
Vellore District.
2. The District Collector,
Ranipet District.

+2ccs to Mr.N.Damodaran , Advocate SR.No. 42232

W.P.No.14231 of 2020

A.SK(25.01.2021)



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