

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.4709 of 2021

Kuppammal

...Petitioner

-Vs-

1.The District Collector,
Erode - 638 001

2.The Revenue Divisional Officer,
Erode - 638 001.

3.The Special Tahsildar,
Adi-Dravidar Welfare,
6th Floor, District Collectorate Office,
Erode - 638 001.

4.The Sub-Registrar,
Office of Sub-Registrar,
Aval Poondurai,
Erode District - 638 115.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorified Mandamus, calling for the records relating to order dated 21.12.2020 in Na.Ka.15/1994/A of the 3rd Respondent herein and quash the same and consequently direct the 2nd Respondent to grant No Objection Certificate to execute the settlement deed in favour of Petitioner's Grandson viz. Rajamani with regard to the property measuring extent of 2 cents in Patta No.HSD-1067/2010 in survey No.7, 8/1 in Plot No.58, Periyar Nagar, 46, Pudhur Post, 45-A, Nanjai Uthukuli Village, Erode District - 638 002.

For Petitioner : Mr.P.Pandiyaraj

For R1 to R3 : Mrs.A.B.Reehana Begum
Government Advocate

For R4 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner claims that she is an assignee of a plot of land and a patta was granted to her under the scheme for providing free housing site to members of the Scheduled Caste. This

assignment was made on 17.05.2010. The petitioner has approached the second respondent seeking his permission to transfer the property to her grandson. Vide the impugned proceedings in Na.Ka.15/1994/A dated 21.12.2020, the Special Tahsildar/third respondent has rejected it on the ground the property assigned under the scheme cannot be transferred.

2.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for the fourth respondent.

3.Mrs.A.B.Reehana Begum, learned Government Advocate who took notice for respondents 1 to 3 brought to the notice of the Court that the Government has now come out with G.O(Ms).No.34 dated 13.01.2021 which now empowers the Authority to permit the assignees of the land to transfer their right.

4.In view of this development, the impugned order is quashed and the matter is remitted back to the Special Tahsildar/third respondent, who will now hold a fresh enquiry based on G.O(Ms). No.34.

5.The learned counsel for the petitioner would submit that it may be the second respondent (RDO) who would be the competent Authority.

6.It is now made clear that if the Special Tahsildhar/third respondent is not competent, he is required to place the matter before the RDO concerned, who would now consider the possibility of granting sanction to the petitioner's request based on the same Government Order

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector, Erode
- 2.The Revenue Divisional Officer, Erode - 638 001.
- 3.The Special Tahsildar, Adi-Dravidar Welfare,
6th Floor, District Collectorate Office, Erode - 638 001.
- 4.The Sub-Registrar, Office of Sub-Registrar,
Aval Poondurai, Erode District - 638 115.

+lcc to Mr.P.Pandiyaraj, Advocate SR.NO..13604

+lcc to The Government Pleader SR.NO..13194 and 13212

AKM/18.03.21/2P-7C/

Order made in
W.P.No.4709 of 2021