



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.21715 OF 2021

Velayutham

... Petitioner

.Vs.

1. The Revenue Divisional Officer,
Arani,
Tiruvannamalai District.

2. The Tahsildar,
Kalasapakkam Taluk,
Kalasapakkam,
Tiruvannamalai District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to take necessary action on the representation of the petitioner dated 12.04.2021.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition has been filed for a mandamus to direct the second respondent to take necessary action on the representation of the petitioner dated 12.04.2021.

2. The case of the petitioner is that he had purchased lands in S.Nos.313/3A, 313/1C, 313/E, 313/2 and 314/1A2 totally measuring 4 acres and 32 ½ cents situated at Thenpallipattu Village, Kalasapakkam Taluk, Tiruvannamalai District.



3. The petitioner submits that while purchasing the above lands, his vendor had applied under RTI Act and obtained information from the second respondent that the above lands are classified as private properties and patta was also issued in the name of his vendor.

4. The petitioner further submits that after his purchase, he developed the lands by contributing physical labour of his entire family expenditures and since he is in need of money to meet out his family expenditures, he decided to sell the lands to one Mr.Ragu.

5. According to the petitioner, while they proceeded for registration, the Sub Registrar, Kalasapakkam stating that the property was classified as D.C. land and demanded No Objection Certificate from the second respondent.

6. The petitioner submits that he applied No Objection Certificate before the second respondent, the second respondent vide his proceedings Moo.Moo.Aa1/1330/2020 dated 15.05.2020 issued No Objection Certificate.

7. The petitioner further submits that after obtained No Objection Certificate, he proceeded with other steps to register the land in favour of the proposed buyer, the second respondent vide his proceedings Moo.Moo.Aa1/1330/2020 dated 31.07.2020 cancelled the No Objection Certificate which was issued on 15.05.2020.

8. According to the petitioner, before passing the cancellation order, the second respondent neither conducted any enquiry nor given opportunity to him and aggrieved by the same, he made an appeal before the first respondent, the first respondent set aside the order passed by the second respondent vide his proceedings Na.Ka.A5/1876/2020 dated 18.02.2021 and directed the second respondent to conduct an enquiry with the documents.

9. The petitioner submits that after the aforesaid order passed by the first respondent, he sent a representation dated 12.04.2021 to the second respondent to reconsider his request, the second respondent kept the matter pending by citing various reasons.

10. The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

11. Heard, learned counsel for the petitioner and learned Government Advocate for the respondents and perused the



materials available on record.

12. In view of the above and considering the submission made by the petitioner and without expressing any opinion on merits, this Court is of the view that the respondents shall consider the petitioner representation dated 12.04.2021 and pass appropriate orders in accordance with law, within a period of four months from the date of receipt of a copy of this order.

13. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Revenue Divisional Officer,
Arani,
Tiruvannamalai District.
2. The Tahsildar,
Kalasapakkam Taluk,
Kalasapakkam,
Tiruvannamalai District.

+1cc to Mr.B.Jawahar, Advocate, S.R.No.53097
+1cc to the Government Pleader, S.R.No.53206

W.P.NO.21715 OF 2021

AD(CO)
PBS/09/11/2021