



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.13957 of 2021

K.Premasanth

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani,
Dindigul District.

4.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

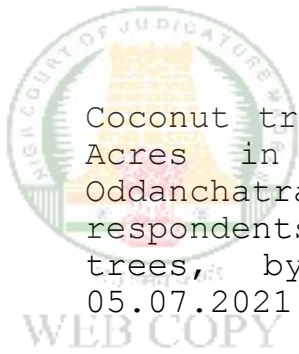
5.The Executive Engineer,
Publicworks and Water Resource Organization,
Nakanjiyaaru Basin Division,
Palani, Dindigul District.

6.The Assistant Executive Engineer,
Publicworks and Water Resource Organization,
Nakanjiyaaru Basin Division,
Palani, Dindigul District.

7.The Assistant Engineer,
Publicworks and Water Resource Organization,
Nakanjiyaaru Basin Division,
Palani, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.5 to 7 to issue NOC for the grant 2C patta for 85



Coconut trees in Southern side of Survey No.245, an extent of 1 ½ Acres in Karunkulam Kanmaai in D.Pudhukottai, P.Chatrapatti, Oddanchatram Taluk, Dindigul District, consequentially directing the respondents No.1 to 4 to grant 2C patta for the said 85 coconut trees, by considering the petitioner's representation dated 05.07.2021 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.R.Baskaran,
Standing Counsel for State.

ORDER

The petitioner seeks a "No Objection Certificate" for the grant of 2C patta for 85 coconut trees on the southern side of Survey No.245 in Karunkulam Kanmai in D.Pudhukottai, P.Chatrapatti, Oddanchatram Taluk, Dindigul District.

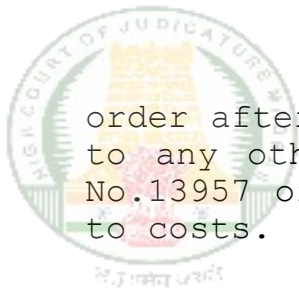
2.The petitioner states that the land in Survey No.245 is Government land but there is no statutory bar for the grant of a 2C patta with regard to coconut trees standing on such land. In fact, the petitioner claims that he is entitled to such 2C patta in terms of the Revenue Standing Orders.

3.Therefore, the petitioner had applied for a "No Objection Certificate" from respondents 5 to 7 herein and it is stated that a communication dated 19.07.2021 has been issued by the first respondent by which the third respondent has been directed to consider the petitioner's representation and submit a detailed report in respect thereof.

4.Mr.R.Baskaran, learned standing counsel for the State, accepts notice on behalf of all the respondents. He submits that the third respondent may be directed to consider the petitioner's request for a "No Objection Certificate" and dispose of the same on merits.

5.The averments contained in the affidavit in support of the writ petition disclose that the coconut trees are located on the southern side of the Karunkulam Kanmai. Therefore, the authority concerned would have to examine as to whether the grant of a 2C patta would affect such water-body or the farmers who are dependent on such water-body. In addition, the authority concerned would have to examine whether the grant of a 2C patta is permissible with regard to such land as per the relevant Revenue Standing Orders.

6.Subject to the aforesaid observations but without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 05.07.2021 and dispose of the same by a reasoned order within a period of two (2) months from the date of receipt of a copy of this



order after providing a reasonable opportunity to the petitioner and to any others who would be affected by such decision. W.P.(MD). No.13957 of 2021 is disposed of on these terms without any order as to costs.

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Sd/-

Assistant Registrar (AS)

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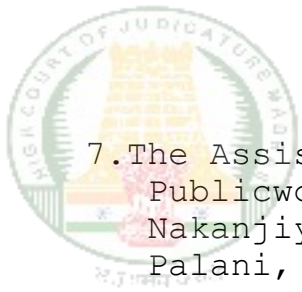
Sub Assistant Registrar(CS)

RM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Office of the District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul District.
- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.
- 5.The Executive Engineer,
Publicworks and Water Resource Organization,
Nakanjiyaaru Basin Division,
Palani, Dindigul District.
- 6.The Assistant Executive Engineer,
Publicworks and Water Resource Organization,
Nakanjiyaaru Basin Division,
Palani, Dindigul District.



7.The Assistant Engineer,
Publicworks and Water Resource Organization,
Nakanjiyaaru Basin Division,
Palani, Dindigul District.

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+1 CC to M/s.GP (SR-26050[F] dated 12/08/2021)

W.P (MD) No.13957 of 2021
11.08.2021

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