



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10304 of 2022

Balakrishnan

...Petitioner

vs.

1. The District Collector,
Mayiladuthurai District.

2. The Revenue Divisional Officer,
Mayiladuthurai.

3. The Tahsildar,
Tharangambadi Taluk,
Mayiladuthurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to issue clearance certificate (No Due Certificate) in respect of the Deed of Assignment dated 03.04.1978, made in favour of the petitioner.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.A.Anandan
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of a writ of Mandamus to direct the third respondent to issue clearance certificate (No Due Certificate) in respect of the Deed of Assignment dated 03.04.1978, made in favour of the petitioner.

2. The case of the petitioner is that the Government of Tamilnadu had acquired surplus lands and handed over the same to needy persons. Thereafter, the petitioner applied for assignment of lands in S.Nos.165/1, 167/4, 167/5, 167/9, measuring an extent of 42 cents, situated at Mayiladuthurai District and the said lands were assigned to the petitioner vide assignment Deed



dated 03.04.1978, under Tamilnadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. As per the assignment deed, the land consideration was fixed and the petitioner paid the said consideration amount to the Government. In order to obtain clearance certificate / No due certificate, the petitioner made representations before the third respondent on 12.10.2017 and 02.07.2018. Since the same was not considered the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the third respondent to consider the petitioner's representation dated 02.07.2018 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for respondents has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the third respondent to consider the said representation of the petitioner dated 02.07.2018 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Mayiladuthurai District.



2. The Revenue Divisional Officer,
Mayiladuthurai.

3. The Tahsildar,
Tharangambadi Taluk,
Mayiladuthurai District.

+1cc to Mr.B.Jawahar, Advocate SR.No.29286
+1cc to the Government Pleader SR.No.30961

W.P.No.10304 of 2022

NMI (CO)
GN(02/06/2022)