



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8249 of 2022

M.Lakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its
Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai.

2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai.

3.The District Collector,
Dindigul District.

4.The Revenue Divisional Officer,
Palani,
Dindigul District.

5.The Tahsildar,
Kujiliyamparai Taluk,
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 to give No Objection to transfer the land which is situated in S.No.995, Vadugambadi Village, Kujiliyambarai Taluk, Dindigul District measuring an extent of 0.19.5 ares in Patta No.2508 which was assigned to the petitioner vide assignment order in 21011/06 dated 23.02.2007 to the third parties by considering the petitioner's representation dated 25.11.2020.

For Petitioner	:	Mr.G.R.Sathish
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to give no objection to the petitioner to transfer the land which is situated in Survey No.995, Vadugambadi Village, Kujiliyambarai Taluk, Dindigul District measuring an extent



of 0.19.5 ares in Patta No.2508 based on the petitioner's representation dated 25.11.2020 within a time frame to be fixed by this Court.

2. According to the petitioner, under an assignment order dated 23.02.2007, the petitioner and her husband came to be in possession of the aforementioned property. As per the assignment order, the property can be alienated only after a period of thirty years. The petitioner states that her husband died and thereafter, she is living with her only daughter. Due to financial necessity, she pleads that the property will have to be sold even before the thirty years' period stipulated under the assignment order dated 23.02.2007. In such circumstances, she has given a representation to the respondents on 25.11.2020 seeking permission to sell the property. Since the said representation has not been considered till date, she has filed this Writ Petition.

3. Heard Mr.G.R.Sathish, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. No prejudice would be caused to the respondents, if the petitioner's representation, as stated supra, is considered on merits and in accordance with law after affording a fair hearing to the petitioner and any other necessary party, whom the second respondent deems fit to enquire.

5. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 25.11.2020 seeking for no objection in her favour for transferring the land which is situated in Survey No.995, Vadugambadi Village, Kujiliyambarai Taluk, Dindigul District measuring an extent of 0.19.5 ares in Patta No.2508, which was assigned to the petitioner's husband vide assignment order dated 23.02.2007 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing, within a period of six (6) months from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Revenue and Disaster Management Department,
Fort St.George,
Chennai.

2.The Commissioner of Land Administration,
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Chepauk,
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5.The Tahsildar,
Kujiliyamparai Taluk,
Dindigul District.

+1 CC to M/s.G.R. SATISH, Advocate (SR-21673[F] dated 27/04/2022)

+1 CC to M/s.SPL. GP (SR-23006[F] dated 29/04/2022)

W.P. (MD) .No.8249 of 2022
27.04.2022

GM(CO)

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