



W.P.(MD)No.22441 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22441 of 2022

S.Perumal

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Tisiyanvilai,
Tirunelveli 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 third respondent to issue 'No Objection Certificate' for further registration with regard to house property belong to petitioner in S.No.347/18B at Sadaiyaneri Revenue Village, Tisiyanvilai Taluk, Tirunelveli District.

For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



W.P.(MD)No.22441 of 2022

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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to issue 'No Objection Certificate' for further registration with regard to house property belong to petitioner in S.No.347/18B at Sadaiyaneri Revenue Village, Tisiyanvilai Taluk, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that he owned house property at Sadaiyaneri, Tisiyanvilai Taluk, Tirunelveli District to an extent of 2.50 cents bearing Survey Number 347/18B. The above said land was purchased by the petitioner vide document No.211 of 1992 registered in Moolaikaraipatti Sub-Register Office, Tirunelveli District. Due to his old age, he wants to execute the settlement deed in favour of his son with respect of above said house property. But the Sub-registrar Office informed him that the above said land is wrongly notified as the Government Poramboke land in official records and he was advised to get 'No Objection Certificate' from the Tahsildar for further registration on the above said property. He approached the Tahsildar in person



W.P.(MD)No.22441 of 2022

on 21.04.2022 requesting to provide 'No Objection Certificate'. In this regard,

the Village Administrative Officer and the Revenue Inspector submitted their report respectively on 09.06.2022 and 17.06.2022 to the Tahsildar that the above said land is belonged to the petitioner as per 'A' register, patta and other Revenue Records. Further, the reports said that the S.No.347/18A alone is public pathway and S.No.347/18B has been wrongly added as public pathway in grama Natham Adangal and hence, they recommended to the Tahsildar to grant 'No Objection Certificate' for registering deed with regard to above said property. Thereafter, he approached the Tahsildar in several time requesting to issue 'No Objection Certificate' based on the reports submitted by the Revenue Inspector and Village Administrative Officer and he sent representation to the respondents 1 & 2 on 25.08.2022 requesting them to insist the Tahsildar to provide 'No Objection Certificate'. Once again he approached the third respondent, but his request was not considered by the respondents and hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4. It is seen from the typed set of papers shows that the petitioner's name found in the patta for the survey No.34/18B to an extent of 0.1.00 hectare. The petitioner purchased the land in document No.211/1992 from one



W.P.(MD)No.22441 of 2022

K.Kumarasamy Reddiar and the sale deed has been produced. The Village

Administrative Officer and the Revenue Inspector certified that the petitioner is in possession of the property.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that originally the said land was converted into Natham and in the register of the Sub-registrar, the said land was registered as Government land and after than only, the petitioner purchased the said land. Therefore, the Revenue Divisional Officer has given an instructions that the same will be sent to the Sub-Collector, Cheranmahadevi and he has to consider the same and change the name of the petitioner and after rectifying the same, proper No Objection Certificate will be issued to the petitioner.

6. In view of the above, without going into the merits of the matter, this Court directs the Tahsildar/third respondent to forward the documents to the Sub-Collector, Cheranmahadevi for rectification of the classification of land within two weeks from the date of receipt of a copy of this order and after rectifying the same, to issue the No Objection Certificate to the petitioner.



W.P.(MD)No.22441 of 2022

7. With the above direction, the writ petition is disposed of. No costs.

WEB COPY

Index : Yes/No
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W.P.(MD)No.22441 of 2022

V.BHAVANI SUBBAROYAN, J.

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W.P(MD)No.22441 of 2022

27.09.2022