



W.P(MD)No.23395 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23395 of 2022

V.Sakthivel

... Petitioner

Vs.

**1.The District Collector,
Karur District,
Karur.**

**2.The Revenue Divisional Officer,
Karur.**

**3.The Tahsildar,
Karur Taluk,
Karur District.**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation dated 22.07.2022 within a stipulated period fixed by this Court.

For Petitioner : Mr.N.Subramani
For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

This Writ Petition has been filed seeking a writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 22.07.2022.

2. Mr.C.Satheesh, learned Government Advocate takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that on 26.04.2002, the first respondent issued a priceless patta to the petitioner in S.No.864/D1 to an extent of 0.02 cents. Thereafter, he built a small house and he got a No Objection Certificate from the third respondent to alienate the property to the third party. The petitioner approached the first respondent to issue No Objection Certificate in order to transfer the property to his wife and the third respondent herein issued No Objection Certificate dated 16.02.2021 with a condition that the certificate can be used to register the document before the Registration Department except sale deed.



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4. On 09.12.2021, the petitioner executed a settlement deed in favour of his wife in document No.9845/2021, before the Sub Registrar, Karur West, Karur. On 04.05.2022, again his wife executed a settlement deed in his favour in document No.4488 of 2022 before the Sub Registrar, Karur West, Karur. On 22.07.2022, the petitioner made a representation before the respondents 1 and 2 on 22.07.2022, to issue No Objection Certificate without any condition, so as to apply for a bank loan to construct a building on the above said priceless patta land.

5. On 29.07.2022, the second respondent issued a memo to the third respondent herein to enquire and take necessary action. On 06.08.2022, the third respondent herein sent a memo to the Revenue Inspector, Vellinai and the Village Administrative Office, Thanthoni Village to enquire and take necessary action on his petition. Till date, no action has been taken by the concerned authorities. Hence, the present writ petition is filed.

6. Heard both sides and perused the materials available on record.



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7. On perusal of materials, it shows that the No Objection Certificate has been issued with a condition that the certificate can be used to register the document before the Registration Department except “Sale Deed” and the petitioner seeks that there should be a wording that he can pledge the same before the bank.

8. Considering the facts and the circumstance of this case, this Court directs the first respondent to consider the petitioner's representation dated 22.07.2022 within a period of two months from the date of receipt of a copy of this order. The concerned authority has a power to pass any order and reject the petitioner's representation.

With the above directions, this Writ Petition is disposed of. No Costs.

12.10.2022

Index: Yes/No
Internet: Yes/No

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To

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Karur.
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- 3.The Tahsildar,
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V.BHAVANI SUBBAROYAN,J

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Order made in
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