



WEB COPY



W.P.No.12079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.12079 of 2023

and

W.M.P.No.11921 of 2023

R.Preethi

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District.

2.The Revenue Divisional Officer,
Thiruvannamalai, Thiruvannamalai District.

3.The Deputy General Manager-Retail,
Hindustan Petroleum Corporation Ltd.,
Petro Bhavan, No.82, TTK Road,
Lower Pet, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents to consider the grant of NOC in the light of paragraph 2 of the special condition of form D dated 18.02.1960 in respect of the land comprised in S.No.90/4C, Adanoor Village, Chengem Taluk, Tiruvannamalai District, within the stipulated time.



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For Petitioner : Mr.M.Devaraj
For Respondents : Mr.U.Baranidharan
Additional Government Pleader
[R1 and R2]
Mr.Mohammed Fayaz Ali [R3]

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the first and second respondents to consider the grant of NOC in the light of paragraph 2 of the special condition of form D dated 18.02.1960 in respect of the land comprised in S.No.90/4C, Adanoor Village, Chengem Taluk, Tiruvanamalai District.

2. The case of the petitioner is that she completed B.E. (CSE) in the year 2016 and she is looking for job opportunity. While so, the third respondent had issued an advertisement dated 25.11.2018 calling for retail outlet dealership in Tiruvannamalai District from Chengam to Singarapettai. The petitioner applied for the same vide her online application dated 12.12.2018, which was favourably considered by the third respondent and the third respondent found the land suitable for



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retail outlet and through the proceedings dated 09.10.2021, requested the first respondent to issue necessary NOC to the petitioner. Thereafter, the first respondent through its proceedings dated 17.11.2021 addressed to the second respondent and other authorities directing them to inspect the land in Survey No.90/4C, Anthanur Village, where the petitioner intends to establish the retail outlet and send a report for the consideration of the issuance of NOC. In spite of the fact that, all the statutory authorities have acceded to issuance of NOC, the second respondent is yet to file the report to the first respondent.

2.1. It is the further case of the petitioner that the letter of intent is time bound and any inaction by the respondents would entitle in the cancellation of intent, which has been granted in favour of the petitioner. The land in question, in which, the retail outlet is sought to be put up is the land, which has been assigned in Form D to one Periyapayan, S/o.Govindan and as per the terms and conditions of assignment, the land cannot be sold within a period of 10 years from the date of the said assignment. The lands are panchami lands and the same cannot be alienated, other than those belonging to Schedule Caste community. As



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per the terms and conditions of the assignment, there is no prohibition or use of the said land by the beneficiary, as long as the beneficiary belongs to the depressed class. Since no action has been taken by the second respondent, the petitioner has filed the above writ petition before this Court for appropriate directions.

3. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents 1 and 2 to consider the issuance of NOC as requested by the third respondent, within a time frame that may be fixed by this Court.

4. The learned counsel appearing for the third respondent submits that the third respondent has already forwarded the petitioner's application for issuance of NOC on 09.10.2021. Hence, he submits that this Court may issue a direction to the first respondent to consider the same and pass appropriate orders on merits and in accordance with law.



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5. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the first respondent to consider and pass appropriate orders on the proceedings of the third respondent dated 09.10.2021, requesting the first respondent to issue NOC for the land, in which the petitioner intends to establish the retail outlet, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

20.04.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1.The District Collector,
Thiruvannamalai District.

2.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.



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