



W.P.(MD)No.10860 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.06.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.10860 of 2023

K.Muthusamy

...Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Dindigul District.

2.The Sub Registrar,
Gujiliyamparam Taluk,
Dindigul District.

3.The Tahsildar,
Gujiliyamparam Taluk,
Dindigul District.

4.Chokkalingam,
The Inspector of Survey,
HR & CE Department,
Vedasandhur, Gujiliyamparam Taluk,
Dindigul District.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to issue No Objection Certificate to the petitioner for his property in S.No.



W.P.(MD)No.10860 of 2023

801/1A, situated at Ra.Vellode Village, Vendasandur Taluk, Gujiliyambarai, Dindigul District as requested in petitioner's representation dated 24.309.2021.

For Petitioner :Mr.S.Chamundi Bose

For Respondents :Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed seeking for a Mandamus to direct the first respondent to issue No Objection Certificate to the petitioner for his property in S.No.801/1A, situated at Ra.Vellode Village, Vendasandur Taluk, Gujiliyambarai, Dindigul District, based on his representation dated 24.09.2021.

2. It is the case of the petitioner that the land in question namely S.No.801/1 admeasuring 1.92 acres situated at Ra.Vellodu Village, Dindigul District, has been purchased on 12.10.2019, by Karuppan Pillai and Rathinam Pillai, who were brothers. When two of them had gone to register a partition deed, the same was refused by the second respondent stating that the property belongs to the temple. Therefore, they had approached the first



W.P.(MD)No.10860 of 2023

respondent to issue a No Objection Certificate. The stand taken by the respondent is surprising since in the year 1989, the brothers had mortgaged the property with Vendasandur Primary Co-operative Bank, the patta and other revenue records stood in their name. Therefore, the petitioner submitted an application under the Right to Information Act, 2005, to which a reply was received and the land in survey No.801/1 were shown as Meiyporrulpatty Thaneer Pandal Tharmam. However, there was no reference to the temple. The petitioner would submit that as on date their lands are comprised in Survey No.801/1A and all of a sudden, the respondents appear to be making a claim on behalf of the temple. Therefore, the petitioner had sent a representation dated 24.09.2021 to the first respondent, which is still pending before this Court.

3. Heard the learned counsel appearing on either side.

4. Taking note of the limited relief sought for by the petitioner, the writ petition is disposed of with a direction to the first respondent to dispose of the petitioner's representation dated 24.09.2021 within a period of six



W.P.(MD)No.10860 of 2023

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weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

01.06.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn

To

- 1.The Joint Commissioner,
HR & CE Department,
Dindigul District.
- 2.The Sub Registrar,
Gujiliyamparam Taluk,
Dindigul District.
- 3.The Tahsildar,
Gujiliyamparam Taluk,
Dindigul District.
- 4.Chokkalingam,
The Inspector of Survey,
HR & CE Department,
Vedasandhur, Gujiliyamparam Taluk,
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W.P.(MD)No.10860 of 2023

P.T.ASHA, J.

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W.P.(MD)No.10860 of 2023

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