



W.P(MD)No.29080 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29080 of 2023

M.Pandidurai

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate, Madurai District,
Madurai.
- 4.The Tahsildar,
Madurai North Taluk,
Collectorate,
Madurai District,
Madurai.



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5.The Executive Engineer,
Tamilnadu Urban Habitat Development Board,
Madurai Division,
K.K.Nagar Main Road,
Madurai – 625 022,
Madurai 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 Solvency Certificate in favour of the petitioner on the basis of the petitioner's representation dated 01.11.2023.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4. Considering the nature of order to be passed, issuance of notice to the fifth respondent is dispensed with.

2.The petition mentioned property was sold by the fifth respondent board in favour of one P.Kanniya Rajan while sale deed dated 18.04.2023



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(Document No.1186/2023 on the file of SRO, Thallakulam, Madurai).

Subsequently property was sold by the said P.Kanniya Rajan in favour of the writ petitioner vide sale deed dated 21.06.2021 (Document No. 1705/2023 on the file of SRO, Thallakulam, Madurai).

3.It is seen that the property was purchased for a sale price of Rs. 20 Lakhs. The petitioner is a civil contractor engaged in Government works also. The petitioner requires solvency certificate. He applied to the fourth respondent for issuance of solvency certificate. Application was submitted through online mode. The fourth respondent rejected the application. Questioning the same, the petitioner filed an appeal before the third respondent. For directing the third respondent to issue solvency certificate, the present writ petition came to be filed.

4.When the matter was taken up for hearing, the learned Special Government Pleader pointed out that in such matters, the question of filing an appeal does not arise at all and this Court has to adjudicate if the fourth respondent was justified in rejecting the petitioner's request.



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5.I sustain the said stand of the learned Special Government Pleader. Now let me see if the fourth respondent rightly negatived the petitioner's application. I am more than satisfied that the petitioner had very much purchased the petition mentioned property. There cannot be any dispute regarding title also. This is because the original vendor was none other than the Tamilnadu Urban Habitat Development Board. The transactions are through the registered sale deeds. The fourth respondent is unable to accept the petitioner's request for the simple reason that in the computerized revenue record, the petition mentioned survey number is shown as new DRO quarters. The land itself has been classified as "Sarkar poramboke". I fail to understand how such classifications can continue to remain when the Board itself had already sold the property. It is not for the petitioner to apply for reclassification. It is the duty of the revenue authorities to make the changes in the revenue record on their own. Entries in the revenue record must reflect the ground reality.

6.I direct the respondents 1 to 3 to make the corresponding changes in the petition mentioned survey number (Ward No.10, Block No.71, T.S.No.4/4). This shall be done immediately and without any



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delay. This exercise shall be done within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner shall submit a fresh online application for issuance of solvency certificate before the fourth respondent. The fourth respondent shall issue solvency certificate after conducting proper enquiry within a period of three weeks thereafter.

7.This writ petition is allowed accordingly. There shall be no order as to costs.

11.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District,
Madurai.

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G.R.SWAMINATHAN, J.

MGA

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