



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.10061 of 2024

S.Sasikumar

... Petitioner

Vs.

The District Collector,
Office of the Collectorate,
Tiruvallur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus directing the respondent to grant No Objection Certificate to the petitioner vacant site in respect to the property situated at Morai Village, Ambattur Taluk, now Avadi Taluk, Thiruvallur District, comprised in Old Survey No. 494 with Patta No. 1671, New Survey Nos. 494/2B8 and 494/3A6 admeasuring an extent of 7200 sq.ft. Being the vacant house site and based on the petitioner representation dated 25.10.2021.

For Petitioner : Mr.D. Babu Varadharajan

For Respondent : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

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The writ on hand has been instituted to direct the respondents to issue 'No Objection Certificate' to the petitioner's vacant site in respect to the property situated at Morai Village, Ambattur Taluk, now Avadi Taluk, Thiruvallur District, comprised in Old Survey No. 494 with Patta No. 1671, New Survey Nos. 494/2B8 and 494/3A6 admeasuring an extent of 7200 sq.ft by considering the petitioner's representation dated 25.10.2021.

2. Mr.D. Babu Varadharajan, learned Counsel for the petitioner would submit that the Registering Officer is seeking 'No Objection Certificate' from the District Collector for registration of the subject property.

3. The Registering Authorities are empowered to verify the title documents and the right of the Presentant of the document under the Registration Act to execute documents. The procedures are contemplated under Rule 55-A of the Registration Rules. In order to avoid fraudulent or bogus registration of immovable properties, such procedures are contemplated. High Court in exercise of the powers of Judicial Review in a



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writ proceedings cannot issue such directions enabling the petitioner to register the property.

4. Mr.U.Baranidharan, learned Additional Government Pleader brought to the notice of this Court that based on the Judgment of the Hon'ble Division Bench of this Court in the case of *J.Amsaveni Vs. The State of Tamil Nadu and another* reported in **2023 (4) CTC 851** dated 24.04.2023, the subject locality has been declared as 'Water Catchment Area' and consequently, it was declared as 'No development zone' as per the Master Plan. Therefore, 'No Objection Certificate' cannot be issued.

5. Further, the learned Additional Government Pleader based on the written instructions given by the District Collector, Tiruvallur District would contend that there are so many land grabbing instances and illegalities are identified by the Authorities and criminal cases are also registered. The District Level Committee constituted submitted a Report to the Government for appropriate actions. The written instructions further states as follows:



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“While so, a lot of complaints and allegations about the grant of patta for the lands in Morai Village in Avadi Taluk of Tiruvallur District were made in News Papers and in order to avoid Law and Order problem, the then District Collector, Tiruvallur District by a proceedings in B1/5602/2009 dated 30.08.2010 appointed a District Level Committee and the members were entrusted with the duty of checking up the legality, regularity and propriety of the registry of Survey Numbers 489, 490, 494, 498, 499 and 507 to 514 of Morai Village of Avadi Taluk.

Subsequently, the process of enquiry was commenced and notice to all the interested persons concerned including M/s.Amaravathy Cranes and Structurals Pvt.Limited. The District Level Committee submitted its report on 31.05.2011 and the based on the Committee report, final report was sent to the Governmnent. During enquiry, the District Level Committee have witnessed many double documentation cases leading to land grabbing incidents in the abovementioned Survey Numbers of Morai Village. Hence the District Collector,Tiruvallur has sent a letter to the Inspector General of Registration, Chennai wherein it has been recommended to issue restriction orders to Sub Registrar, Avadi not to entertain any registration of sale of the land in Survey Nos.489 to 514 until the enquiry is completed.

Further the Inspector of General of Registration, Chennai vide his letter in Rc.No.50362/R3/2010, dated 30.08.2010 addressed to the Sub-Registrar, Avadi have given instructions to get prior



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permission/NOC from District Collector and Inspector General of Police whenever documents are submitted for Registration pertaining to lands in Survey Nos.494 & etc.

.....the Director General of Police vide Rc.No.20813/Crime-I(1)/2010, dt.10.02.2010 ordered transfer of the cases to CBCID and during investigation on 23.04.2010 vide reference C.No.26/IGP-Crime/CBCID/2010, IGP CBCID addressed to Inspector General of Registration have requested to issue direction to the Registrar of the respective district not to entertain any registration of sale of the land in Survey Nos.489 to 514, till completion of investigation by CBCID.

However suppression of all the above facts, the present writ petition in W.P.No.10061/2024 have been file by Thiru.S.Sasikumar S/o.Seetharaman whereas the CBCID cases is under investigation.”

6. 'No Objection Certificate' is sought for by the petitioner to register the document under the Registration Act. In the event of issuing such Certificate, it will result in transfer of title from one person to another person. Therefore, an adjudication is warranted. In the absence of any adjudication, 'No Objection Certificate' cannot be issued. Thus, the petitioner is at liberty to approach the competent Authority or Forum as the case may be for adjudication of disputes and to establish his title in respect of the subject property.



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7. With this liberty, this Writ Petition stands **dismissed** at the admission stage itself . No costs.

12.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

The District Collector,
Office of the Collectorate,
Tiruvallur District.



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S.M.SUBRAMANIAM,J.

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