



WEB COPY



W.P. No.12953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12953 of 2023

D.Prakash

... Petitioner

Vs

- 1.The Director
The Town Survey and Land Records
Survey House, Chepauk
Chennai - 600 005
- 2.The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai - 600 003
- 3.The Collector
Chennai District
Rajaji Salai, Chennai 600 001
- 4.The District Revenue Officer
(The Land & Estate)
Greater Chennai Corporation
Ripon Building, Chennai - 600 003
- 5.The Revenue Divisional Officer
Guindy and Mambalam Taluk
Anna Salai, Guindy
Chennai - 600 032



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6.The Zonal Officer

Zone-XIII, Greater Chennai Corporation
No.115, Dr.Muthulakshmi Salai
Adyar, Chennai - 600 020

7.The Tahsildar

Velachery Taluk Office
Seva Nagar, Velachery
Chennai - 600 042

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first respondent to carry out the correction in the Town Survey Records pertaining to Plot Nos.12 & 13 of LA No.2/94, PPA No.SD/129/93 of the approved Layout of the 2nd respondent situated in Old Survey No.326, New Town Survey No.9, Block No.197, Velacherry Village, Ward No.153, Chennai - 42 and further direct the respondents 3, 5 and 7 to issue patta to the petitioner in terms of petitioner's representation dated 02.08.2018 to the 7th respondent and the report bearing No.Ma.a.13.Na.Ka. No.A2/5749 of 2020 dated 12.01.2021 of the 6th respondent.

For Petitioner : Mr.K.Elango

For Respondent : Mr.P.Sathish
Addl. Govt. Pleader for R1, 3, 4, 5 & 7

Mrs.Aswini Devi for R2 & R6

ORDER



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This writ petition has been filed seeking a direction to the respondents to issue a No Objection Certificate. It is the case of the writ petitioner that the property in Plot Nos.12 and 13 in the approved lay out was purchased by the petitioner, his mother and his brother in the year 2000 & 2001. Thereafter, they settled the property in favour of the petitioner. In the year 2012, when the petitioner has decided to dispose of the properties to meet out the medical expenses of his son and when he applied for patta, the Surveyor at that time informed the writ petitioner to the effect that the property in Plot Nos.12 and 23, during the town survey of Velachery village, have wrongly been included as the property of the Greater Chennai Corporation.

2. In this regard, the 7th respondent/Tahsildar, by his proceedings dated 13.09.2019 has sent a communication to the fourth respondent to issue a No Objection Certificate, who, in turn in his proceedings dated 18.11.2010 addressed to the sixth respondent and the sixth respondent has also sent a detailed report enclosing the approved plan. Despite the above, No objection certificate has not been issued by the sixth respondent. Hence this writ petition.



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3. Learned counsel appearing for the Greater Chennai Corporation would submit that she has instructions to say that the property in Plot Nos.12 and 13 is not belonging to the Corporation. The respondents would take steps to issue a No Objection Certificate. As the property is a private property, which has been wrongly classified, it is for the respondents to issue a No Objection Certificate without any further delay.

4. In such view of the matter, there shall be a direction to the sixth respondent to issue a No Objection Certificate to the seventh respondent within a period of one month from the date of receipt of a copy of this order. Thereafter, the seventh respondent shall issue Patta within one month from the date he receives a No Objection Certificate from the sixth respondent.

5. With the above direction, the writ petition is disposed of. No costs.

20.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr



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High Court, Madras



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N.SATHISH KUMAR, J.

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