



WEB COPY



W.P.No.28177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28177 of 2024

Jothi

... Petitioner

VS.

1.The Secretary to Government
Revenue and Disaster Management
Department,
Land Disposal Wing [LD3(1) Section,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Coimbatore District,
Office of the Collectorate Coimbatore,
State Bank of India Road,
Gopalapuram, Coimbatore - 641018.

3.The Revenue Divisional Officer
Coimbatore North,
Coimbatore.

4.The Revenue Tahsildar,
Annur North,
Coimbatore.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 2nd to 4th respondent to issue



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no objection certificate to permit the petitioner to alienate the assigned Ayyan patta land situated at No.124/3, to an extent of 1.10 acres Kunnathur Village, Annur Taluk, Coimbatore District on the basis of the petitioner representation dated 03.07.2024.

For Petitioner : Mr.Venkatesh S.

For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 2 to 4 to issue 'No Objection Certificate' to permit the petitioner to alienate the assigned Ayan Patta land situated at No.124/3 measuring to an extent of 1 acre 10 cents in Kunnathur Village, Annur Taluk, Coimbatore District, by considering her representation dated 03.07.2024.

2. It is the case of the petitioner that the above mentioned land was assigned to petitioner on 20.10.2004 by the 2nd respondent. The petitioner has been in possession and enjoyment of the same from the date of assignment. Now, due to her medical condition, the petitioner decided to sell the property to her relatives and hence, the petitioner submitted a



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representation dated 03.07.2024 to the 2nd respondent seeking his permission to sell the assignment.

3. The learned counsel appearing for the petitioner by taking this Court to the Revenue Standing Orders 15(41)(4)i, submitted that prohibition against alienation as per the condition is only for the period of 10 years and that period is already over. Therefore, the petitioner is willing to sell the property to any other persons belonging to the categories eligible for free assignment patta as per the Revenue Standing Orders 15(12)(3).

4. The learned counsel appearing for the petitioner also pointed out the averment in the affidavit that the petitioner proposed to sell the property only to the willing purchasers, who also belongs to Scheduled Caste Community.

5. Mr.P.Sathish, learned Additional Government Pleader, who is taking notice for the respondents, by relying on Revenue Standing Orders 15(12)(3)(i) submitted that even after expiry of 10 years period, the assignee can sell the property only to the persons belong to the categories, which are



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eligible to get assignment from the Government. If the petitioner satisfies the said condition, the request of the petitioner can be considered on merits.

6. In view of the submissions made by the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondents, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioner dated 03.07.2024 and pass final orders on its own merits and in the light of the Revenue Standing Orders 15(12(3) and 15(41)(4)i, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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