



WEB COPY



W.P.No.30182 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30182 of 2024
and W.M.P.No.32859 of 2024

B.Durai

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Ranipet,
Ranipet District.
2. The Revenue Divisional Officer,
Office of the RDO.,
Ranipet,
Ranipet District.
3. The Thasildar,
Office of the Thasildar,
Kalavai, Kalavai Taluk,
Ranipet District.
4. The Block Development Officer,
Panchayat Union Office,
Thimiri, Kalavai Taluk,
Ranipet District.
5. The President/the Executive Authority,
Dhonimedu Village Panchayat Council,
Kalavai Taluk,
Ranipet District.

... Respondents



W.P.No.30182 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to issue no objection certificate by vide letter No.Na.Ka.No. AA1/1124/2021 dated 23.11.2023 of the third respondent and pass such further orders and dispose of the same within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Arokia Mani Raj

For Respondents

For R1 to R3 : Mr.V.Manoharan
Additional Government Pleader

For R4 & R5 : Mr.R.Vigneswaran
Government Advocate

ORDER

This writ petition has been filed for direction directing the fourth respondent to issue no objection certificate as per the communication sent by the third respondent dated 23.11.2023.

2. The petitioner had purchased the land comprised in Survey No.20/10 to an extent of 0.03.58 hectares classified as Village Natham from one Ponnurangam by the registered sale deed dated 15.12.1999 vide document No.168/1999. The petitioner is in possession and enjoyment of the same, after construction of small house and planting trees. Thereafter,



W.P.No.30182 of 2024

the petitioner applied for sub division from the main survey number which was purchased by him. On the said application, the third respondent instructed the Revenue Inspector to conduct field survey and submit report. Accordingly, the Revenue Inspector conducted the field survey and filed report that portion of the land has been encroached. Thereafter, the third respondent conducted enquiry in which the third respondent found that portion of the petitioner's land has been encroached by the fourth and fifth respondents and laid cement road. When it was questioned by the petitioner before the fourth respondent, the fourth respondent has no objection to issue patta for the entire land owned by the petitioner. Therefore, the third respondent sought for no objection certificate for issuance of patta for the entire extent of land including the portion in which they laid road. Hence, the petitioner filed the present writ petition with the above prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Admittedly, some portion of the land owned by the petitioner to an extent of two cents have been encroached by the fourth and fifth



W.P.No.30182 of 2024

respondent and laid cement road, without due process of law. Now the petitioner requested the third respondent to issue patta for the entire extent of the land.

5. Considering the above facts and circumstances, the third respondent is directed to issue patta in favour of the petitioner for the entire extent of the land as per the sale deed after sub division, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

29.10.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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W.P.No.30182 of 2024

G.K.ILANTHIRAIYAN. J,

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