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W.P.No.30686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.30686 of 2024

1. Mani
2. Neelaveni
3. Duraisamy
4. Mageswari

...Petitioners

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 Collectrate Coimbatore,
State bank of India Road,
Gopalapuram, Coimbatore - 641 018.
3. The Revenue Divisional Officer,
Coimbatore North, Coimbatore.
4. The Revenue Tahsildar,
Annur North, Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to issue no objection certificate to permit petitioners to alienate the assigned Ayyan patta land situated at No.124/2, to an extent of 0.44.50 hectares Kunnathur Village,



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Annur Taluk, Coimbatore District on the basis of the petitioners representation
dated 03.07.2024.

For Petitioners : Mr.S.Venkatesh

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioners herein seek a direction to the respondents 2 to 4 to issue 'No Objection Certificate' to permit the petitioners to alienate the assigned Ayyan patta land situated at No.124/2, measuring to an extent of 0.44.50 hectors in Kunnathur Village, Annur Taluk, Coimbatore District, by considering their representation dated 03.07.2024.

2. By consent of both the learned counsel appearing for the petitioners as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioners that the above mentioned property was assigned in favour of the petitioners' father Maruthan on 20.10.2004 and



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assignment patta dated 20.10.2004. The petitioners' father died on 20.05.2017 leaving behind the petitioners are his legal representatives. Therefore, the petitioners are entitled to 1/4 share in the property assigned in the name of the petitioners' father. Now the petitioners want to sell the property to the third parties. Therefore, the petitioners submitted a representation dated 03.07.2024 before the second respondent seeking issuance of no objection certificate and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. The learned counsel appearing for the petitioners 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 petitioners are 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).

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



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

7. In view of the submissions made by the learned counsel appearing for the petitioners 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 second 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.



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

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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To

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S.SOUNTHAR, J.

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