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WP.No.39846 of 2024

In the High Court of Judicature at Madras

Dated : 02.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39846 of 2024

K.Palanisamy

Vs

...Petitioner

- 1.The State of Tamil Nadu, rep. by
the Secretary to Government,
Revenue & Disaster Management
Department, Fort St.George,
Chennai-9.
- 2.The Principal Commissioner-cum-
Commissioner, Land Administration,
Chepauk, Chennai-5.
- 3.The Authorized Officer/Assistant
Commissioner, Land Reforms
Department, Tiruppur.
- 4.The Special Tahsildar, Land
Reforms (General), Erode.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the third respondent
to dispose of the representation dated 16.9.2024.

For Petitioner : Mr.M.Uma Shankar
For Respondents : Mr.S.Rajesh, GA



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ORDER

Seeking a direction to the third respondent to dispose of his representation dated 16.9.2024, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondent.

3. The facts leading to filing of this writ petition are as follows :

(i) The property measuring 1 acre comprised in S.No.571/3, Veerapandi Village, presently Tiruppur South Taluk, Tiruppur District was assigned to the petitioner vide assignment order dated 18.3.2003 passed by the third respondent. The assignment was effected only after the fourth respondent called both the petitioner as well as other individuals for an inquiry to hand over the lands comprised in S.No. 570/1 and other survey numbers totally measuring 6 acres and 18.5 cents vide office letter dated 08.3.2003 recommending that the subject property be allotted to the petitioner. Likewise, the other individuals were allotted lands. Thereafter, the the assignment deed dated 20.3.2003 came to be executed in favour of the petitioner.

(ii) Pursuant to that, the petitioner was also issued with a conditional patta bearing patta No.1938 for the land measuring 40.50



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Ares comprised in S.No.571/3B2, Veerapandi Village, Tirupur South Taluk, Tirupur District. One of the conditions of assignment was that the petitioner cannot sell or alienate the subject property before the expiry of 20 years. Since the subject property has not yielded any return, the petitioner decided to sell the same, at which point in time, he was informed by the Registering Authority that he should obtain a clearance certificate from the third respondent.

(iii) Hence, the petitioner made a representation dated 16.9.2024 to the third respondent to issue a clearance certificate in respect of the land measuring 1 acre (40.50 Ares) comprised in S.No. 571/3B2, Veerapandi Village, Tiruppur South Taluk, Tiruppur District. The said representation has not been taken up for consideration nor a clearance certificate has been issued. Thus aggrieved, the petitioner is before this Court.

4. Considering the limited nature of the relief sought, the writ petition is allowed and a Mandamus is issued to the third respondent to dispose of the said representation of the petitioner dated 16.9.2024 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

02.1.2025



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P.T.ASHA,J

RS

To

- 1.The Secretary to Government
of Tamil Nadu, Revenue &
Disaster Management
Department, Fort St.George,
Chennai-9.
- 2.The Principal Commissioner-cum-
Commissioner, Land Administration,
Chepauk, Chennai-5.
- 3.The Authorized Officer/Assistant
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