



W.P.(MD)No.2203 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2203 of 2025

and

WMP (MD) Nos.1576 & 1577 of 2025

Sivakumar

: Petitioner

Vs.

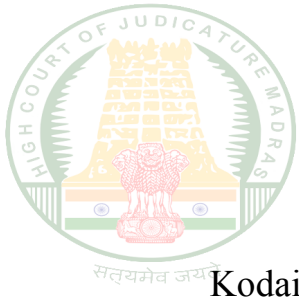
1. The State of Tamil Nadu,
Rep. by its Additional Principal
Secretary Commissioner of Land Reforms,
Chepauk, Chennai - 600005.

2. The Commissioner of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600002.

3. The District Collector,
Dindigul District.

4. The Town and Country Planning,
Rep by Assistant Director,
No.4,Hakeem
Ajmal Khan Road,
Chinnachokkikulam,
Madurai - 625002.

5. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,



W.P.(MD)No.2203 of 2025

Kodaikanal,
Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the orders passed in O.Mu.No.2290/2024/A5 dated 16.09.2024 on the file of the 5th respondent herein and to quash the same as illegal and to further direct the 5th respondent to grant no objection certificate for the purpose of construction a building in the property of the petitioner under survey No.1001 Poombarai Village, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.K.R.Laxman

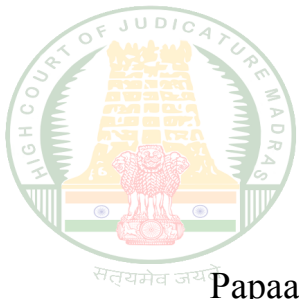
For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader

ORDER

Challenging the rejection order dated 16.09.2024, passed by the fifth respondent, rejecting the petitioner's application to form a layout and obtain a No Objection Certificate, the present writ petition has been filed .

2. The petitioner's case is that the subject property, located at Survey No. 1001, Poombarai Village, Kodaikanal Taluk, Dindigul District, was originally assigned land, granted by the Government to one



W.P.(MD)No.2203 of 2025

WEB COPY

Papaathi Ammal through its proceedings dated 30.06.1972 under DKT No. 854-81. Subsequently, the land was sold to various purchasers and finally, the subject property was sold by M/s. VGP Golden Resorts International Limited to the petitioner in Document No. 999 of 2007, with the SRO Kodaikanal Taluk, Dindigul District. The petitioner's grievance is that, despite being a *bona fide* purchaser and the land being classified as Punja land, he has not been permitted to construct on the land and the fifth respondent is not issuing the "No Objection Certificate". Aggrieved by this, the present writ petition has been filed by the petitioner.

3. The learned counsel for the petitioner also relied upon a judgment of the Hon'ble Division Bench of this Court in W.A.(MD) No. 1483 of 2018, dated 01.02.2019, wherein, the Court held as follows:

"8.In the present case, the District Collector has refused to grant No Objection Certificate not on any other ground or for violation of regulation or rules applicable to Hill areas but on the basis of opinion of Commissioner of Land Administration to the effect as per Government letter dated 15.07.1997, even after completion of 10 years from the date of



WEB COPY



W.P.(MD)No.2203 of 2025

assignment, the assigned lands, if the assigned lands are found to be utilised for layout purpose, necessary action should be initiated for cancellation of assignment. In the grounds of appeal, the Government letter dated 15.07.1997, has been referred to as a communication to the effect that assignment is liable to be cancelled for violation of conditions even after 10 years from the date of assignment. The letter dated 15.07.1997 cannot be sustained in view of the categorical pronouncements of this Court in several precedents. The first appellant has not acted on his own but treated the respondent's case as special by seeking opinion from Commissioner of Land Administration while granting approval/No Objection Certificate in respect of other cases which are similar. In this case, the assignment was in 1973 and the alienation was in 2011, after 38 years. Even as per special condition attached to assignment, there is no violation. The village was declared as a village fall under Hill area only in 2003. It is only by virtue of this order, the approval from Hill Area Conservation Authority is required. The issue of No Objection Certificate or approval can be considered in the light of other statutory requirements but cannot be rejected for alienation after 10 years. This Court



WEB COPY



W.P.(MD)No.2203 of 2025

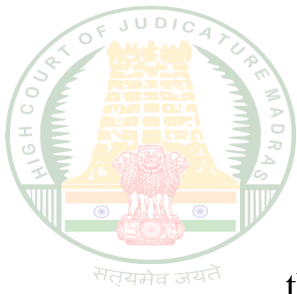
*find no reason to interfere with the decision of the learned
Single Judge.”.*

4. Per contra, the learned Special Government Pleader appearing on behalf of the respondents submitted that since the petitioner contends that he was not provided an opportunity for a hearing and that the respondents violated the principles of natural justice, the respondents request that, if this Court permits, they shall consider the petitioner's case on merits and in accordance with law, after providing sufficient opportunity for hearing.

5. In the light of the above submissions made by both sides and considering the judgment of this Court dated 01.02.2019, this Court is of the view that the impugned order suffers from violation of the principles of natural justice. Therefore, this Court is inclined to set aside the impugned order.

6. Accordingly, this writ petition is disposed of with the following directions:

- i) The impugned order dated 16.09.2024 is set aside and



W.P.(MD)No.2203 of 2025

WEB COPY

the matter is remanded back to the fifth respondent for fresh consideration.

ii) The fifth respondent shall pass a fresh order, purely on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.02.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.2203 of 2025

WEB COPY

To

1. The State of Tamil Nadu,
Rep. by its Additional Principal
Secretary Commissioner of Land Reforms,
Chepauk, Chennai - 600005.
2. The Commissioner of Town and Country Planning,
No.807, Anna Salai,
Chennai - 600002.
3. The District Collector,
Dindigul District.
4. The Town and Country Planning,
Rep by Assistant Director,
No.4,Hakeem
Ajmal Khan Road,
Chinnachokkikulam,
Madurai - 625002.
5. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kodaikanal,
Dindigul District.



WEB COPY



W.P.(MD)No.2203 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.2203 of 2025

24.02.2025