

uIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.22669 of 2014

D.Gomathi

.. Petitioner

Vs.

1.State of Tamil Nadu

rep. By its Secretary to Government
Housing and urban Development Department
Fort St.George, Chennai 600 009.

2.The Special Tahsildar

Housing Scheme (Land Acquisition)
Bagalur Road, Hosur.

3.The Special Tahsildar

Town Settlement Office
Royakottai Road
Hosur, Krishnagiri District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the third respondent herein to issue patta to the petitioner in respect of house sites bearing Plot Nos. 13 & 14, comprised in Town Survey No.661/1 situate at Hosur Village and Taluk, Krishnagiri District within the time to be stipulated by this Court based on the petitioner's representation dated 28.6.2014.

For Petitioner : Mr.R.Bharath Kumar

For Respondents: Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2.Heard Mr.R.Bharath Kumar, learned Counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate, appearing for the respondents.

3.The petitioner seeks for grant of patta on the ground that land acquisition proceedings have been quashed by this Court.

4.The Executive Engineer and Administrative Officer, Hosur Housing Unit, addressed the Managing Director, Tamil Nadu Housing Board dated 22.2.2007, which is to the following effect.

"I am to invite kind attention to the reference cited and furnish the following:

In perusal of records furnished by the petitioner and found that the petitioner Tmt.N.Radha W/o A.Nagarajan was purchased the part of land in S.F.No.661/A1 to an extent of 0.95.5 Hec. (i.e.1350 sq.ft.).The award for the above land was passed vide Award No.10/94 dated 2.7.94. The land owner filed the Writ Petition for challenging the Land Acquisition vide W.P.No.1264/94, 12650/94, 11123/94 to 11126/94 and 9706/96. Due to Court cases (i.e.) dispossession stay the land in the above S.F.No. was not handed over by the Land Acquisition Officer.

At this juncture the No Objection Certificate requested by the petitioner is not able to issue.

This is for kind information."

5.The petitioner would state that the lands have not been handed over to the Special Tahsildar (Land Acquisition), there is no objection by the Housing Board to consider the petitioner's request and the third respondent shall take note of the same.

6.In fact, the counter affidavit filed by the third respondent, the other submissions made by the petitioner have not been disputed and the only objection stated by the Executive Engineer is that he could not issue no objection certificate to the petitioner. In this regard, as stated above, the Executive Engineer and Administrative Officer, Hosur Housing Unit, communicated to the Managing Director, Tamil Nadu Housing Board on 22.2.2007.

7.In the light of the above, there will be a direction to the third respondent to consider the petitioner's representation and it is open to the third respondent to verify the correctness of the letter dated 22.02.2007, by the Engineer and Administrative Officer, Hosur Housing Unit, addressed the Managing Director, Tamil Nadu Housing Board and thereafter pass orders on merits and in accordance with law on the petitioner application/representation as expeditiously as possible.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

- 1.State of Tamil Nadu
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LRS (CO)
Eu 28.02.15

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