

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.16457 of 2015

Colonel KJC Jeldo,
Rep. by his Power Agent,
P.Kathiresan, Son of M.Paraman,
No.24, Sirumani Nagar,
Balakrishnapuram, Dindigul - 5.

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 35.
2. The Executive Engineer and
Administrative Officer,
Tirunelveli Housing Unit,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to issue a "No Objection Certificate" for change of Patta, on the basis of the petitioner's representation dated 14.09.2012.

For Petitioner : Mr.Avinash

For Respondents : Mr.V.Anandamoorthy for TNHB

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O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner would state that the land situated in Survey No.549/1A1A, Kulavanigapuram, Palayamkottai, Tirunelveli District measuring 7-3/4 cents belonged to his parents and after their demise, the said property has been allotted to his share in the family partition which took place in the year 2004. The said partition is evidenced by a registered deed of partition bearing Document No.884 of 2004, dated 23.02.2004.

3. The petitioner would further state that Housing and Urban Development Department had initiated land acquisition proceedings under the provisions of the Land Acquisition Act 1894 during the year 1986 and declaration under Section 6 of the said Act was made on 12.03.1987. Some of the land owners, aggrieved over the same, approached this Court by filing W.P.Nos.36990 of 2006 and 3080 of 2007 and vide order dated 12.03.2007, this Court has held that the acquisition proceedings initiated under Section 4(1) notification dated 03.02.1986, stood lapsed and it was put to challenge in W.A.Nos.742 and 743 of 2008 and those writ appeals were also dismissed by a Division Bench of this Court on 07.06.2010. It is further stated by the petitioner that in W.P.No.4512 of 1993, this declaration was also put to challenge and it was quashed with liberty to the State Government to initiate acquisition proceedings and according to the petitioner, no fresh proceedings came to be initiated.

4. The petitioner, subsequently, approached the jurisdictional authority to mutate the revenue records by deleting the name of the Government. Thereafter, number of writ petitions came to be filed to effect mutation in the revenue records in pursuance of the orders passed by this Court in the aforesaid writ petition. The petitioner has also submitted a detailed representation dated 14.09.2012 to the first respondent praying for 'No Objection Certificate' for the purpose of getting individual Patta in respect of the land measuring 7.75 Cents in Survey No.549/1 at Anbu Nagar, Tirunelveli and since he has not been favoured with any any kind of response, came forward to file this writ petition.

5. Mr.Avinash, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 21.09.2012 made in W.P.No.23335 of 2012 and would submit that in similar circumstances, this Court had directed the very same respondent to issue 'No Objection Certificate' and in the light of the same, similar order can be passed.

6. The Court heard the submissions of Mr.V.Anandamoorthy learned counsel for TNHB, who accepts notice on behalf of the respondents.

7. The petitioner has prayed for the larger relief. However, taking into consideration the above facts and circumstances, this Court is of the view that it would be suffice to direct the first respondent to consider the petitioner's representation dated 14.09.2012 and the reminder, if any, to be submitted by the petitioner by enclosing a copy of this order, in accordance with law, within a stipulated time, after providing an opportunity of personal hearing to the petitioner.

8. In the result, the writ petition is disposed of and the first respondent is directed to consider the representation of the petitioner dated 14.09.2012 and subsequent representation, if any, to be submitted by the petitioner by enclosing a copy of this order, and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after providing an opportunity of personal hearing to the petitioner. No costs. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 35.
2. The Executive Engineer and
Administrative Officer,
Tirunelveli Housing Unit,
Tirunelveli District.

1 CC to Mr.Avinash, Advocate SR.No. 28500

1 CC to Mr.V.Raghavachari, Advocate SR.No. 27906

W.P.No.16457 of 2015

NM (CO)
PSI (19.06.2015)