

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.16966 of 2014 &
M.P.No. 1 of 2014

K.J.Bharatha

.. 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 District Revenue Officer
Krishnagiri.

3.The Tahsildar
Hosur Taluk Office
Hosur, Krishnagiri District.

4.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 fourth respondent herein to issue patta to the petitioner in respect of the house site bearing Plot No.15, comprised in Survey No.527/1A1,T.S.Nos. 47,48 and 49, Ward No.A Block No.15, Teachers Colony, Hosur Village, Krishnagiri District, or in the alternative to issue No Objection Certificate certifying that the lands in Survey No.527/1A1 are not under any land acquisition.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.R.Vijayakumar
Addl.Govt. Pleader

O R D E R

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

2. Heard Mr.R.Bharath Kumar, learned Counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents.

3. The petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to direct the fourth respondent herein to issue patta to him in respect of the house site bearing Plot No.15, comprised in Survey No.527/1A1, T.S.Nos. 47,48 and 49, Ward No.A Block No.15, Teachers Colony, Hosur Village, Krishnagiri District, or in the alternative to issue No Objection Certificate certifying that the lands in Survey No.527/1A1 are not under any land acquisition.

4. The case of the petitioner, in nutshell, is set out here under:-

(a) The larger extent of lands measuring an extent of 7 acres comprised in Town Survey No.527 situated at Hosur Village and Taluk originally belonged to one Narayanappa, who having purchased the same under a registered sale deed dated 03.04.1959. After the death of the aforesaid Narayanappa, his son Krishnappa had inherited the said property. The said Krishnappa has formed a lay out and divided the lands into various house sites and sold the same to third parties and the petitioners have purchased properties from them. The petitioners have also put up construction over the said property and are paying property tax.

(b) Later, they came to know that acquisition proceedings were initiated by the Government and the original owners have approached this Court by filing writ petition and obtained interim stay of taking possession of the lands. In view of the same, the respondents were unable to take possession of the lands. The petitioners thereafter came to know through enquiry that the respondents have abandoned the proposal for acquisition of the lands in question and in fact, this Court, in a writ petition filed by the original owners, directed the first respondent to pass appropriate orders for re-conveyance of the lands considering the request of the land owners.

(c) Accordingly, the first respondent through the second respondent herein directed the Special Tahsildar, Land Acquisition to inspect the lands and file a report regarding the grievances of the lands owners. Based on the directions, the Special Tahsildar, Land Acquisition submitted a report stating that in the entire

lands, various pucca houses have been put up and it would be difficult to acquire the said lands for the purpose for which they were originally sought to be acquired. The District Revenue Office, Krishnagiri sent a communication to the first respondent to that effect.

(d) With the above background, the petitioner approached the fourth respondent to grant patta in her names or to furnish them "No Objection Certificate" certifying that the lands in question are not under the lands acquisition proceedings. But, however, her representation has not been considered so far, which led the petitioner to approach this Court by filing the present writ petition for the relief set out earlier.

5. Considering the limited scope of the matter, without expressing any opinion on the claim made by the petitioner, I direct the fourth respondent to consider the representation of the petitioner dated 11.05.2014, and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The fourth respondent is directed to do so after requiring the petitioner to produce the relevant documents, after holding an enquiry and after hearing the necessary parties, if any.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

rpa

To

1.State of Tamil Nadu

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

2.The District Revenue Officer
Krishnagiri.

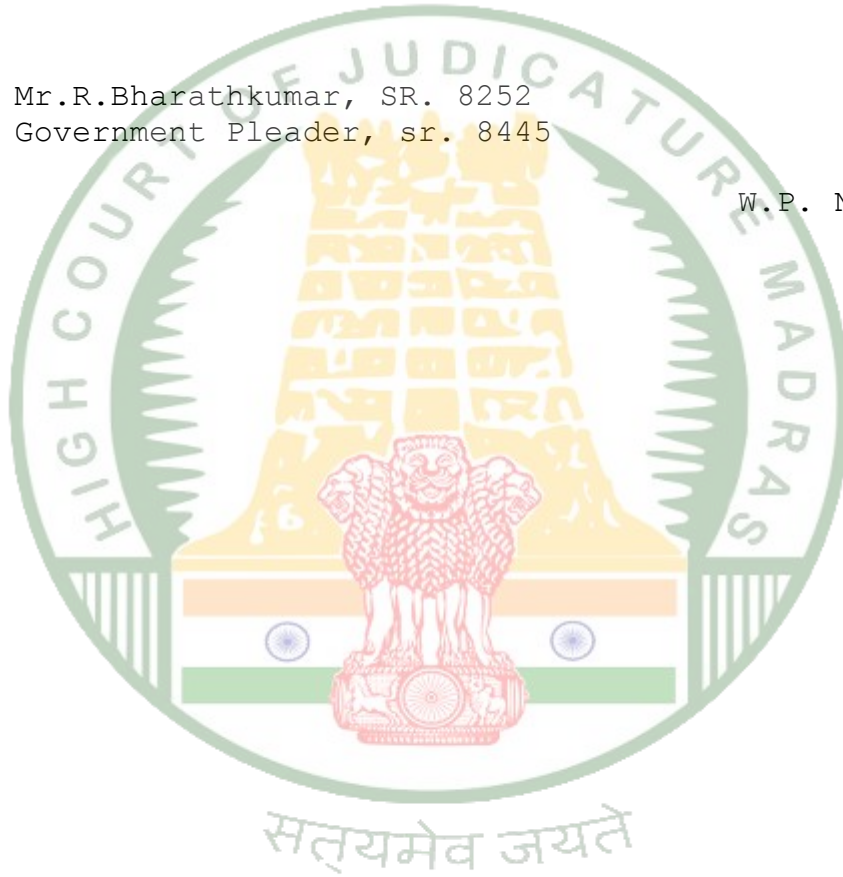
3.The Tahsildar
Hosur Taluk Office
Hosur, Krishnagiri District.

4.The Special Tahsildar
Town Settlement Office
Royakottai Road
Hosur, Krishnagiri District.

1 cc to Mr.R.Bharathkumar, SR. 8252
1 cc to Government Pleader, sr. 8445

W.P. No.16966 of 2014

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