

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35169 of 2015 and
M.P.No.1 of 2015

Ashok Kumar

.. Petitioner

V.

1.Secretary to Government of
Tamil Nadu Housing and Urban
Development Department
Fort St. George, Chennai - 600 009.

2.The Chairman
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.

3.The Tahsildar,
Coimbatore North
Coimbatore.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus calling for the records in impugned notification issued under Section 4(1) of the Land Acquisition Act vide G.O.Ms.No.47, Housing and Urban Development Department dated 05.02.1992 and published in Tamil Nadu Government Gazette dated 26.02.1992 and declaration U/s 6 of the Land Acquisition Act vide G.O.Ms.No.298 Housing and Urban Development Department dated 15.04.1993 and published in the Tamil Nadu Gazette dated 16.04.1993 in respect of the petitioner's land in plot No.131 in Gurusamy Nagar, Peelamedu, Coimbatore Corporation in Survey No.373 Vilankurichi Village, Coimbatore measuring 2104 sq.ft. and quash the same and direct the 3rd respondent to issue patta.

For Petitioner .. Mrs.Sudharshana Sunder
For Respondents 1&3 .. Mr.S.Diwakar
Special Government Pleader
For 2nd Respondent .. Mr.B.Vivekavanam

ORDER

Heard Mrs.Sudharshana Sunder, learned counsel appearing for the petitioner; Mr.S.Diwakar, learned Special Government Pleader for respondents 1 and 3 and Mr.B.Vivekavanam, learned counsel for the second respondent.

2.The petitioner seeks for issuance of a writ of certiorarified mandamus to quash the notification under Section 4(1) of the Land Acquisition Act vide G.O.Ms.No.47, Housing and Urban Development Department dated 05.02.1992 and published in Tamil Nadu Government Gazette dated 26.02.1992 and declaration under Section 6 of the Land Acquisition Act vide G.O.Ms.No.298 Housing and Urban Development Department dated 15.04.1993 and published in the Tamil Nadu Gazette dated 16.04.1993 in respect of the petitioner's land in plot No.131 in Gurusamy Nagar, Peelamedu, Coimbatore Corporation in Survey No.373 Vilankurichi Village, Coimbatore measuring 2104 sq.ft. and direct the third respondent to issue patta.

3.The case of the petitioner is that the notification, which is impugned in this writ petition, has already been quashed in a batch of cases and therefore, the second respondent Board has to consider the petitioner's case and give No Objection Certificate to enable the petitioner to obtain patta from the third respondent.

4.The learned counsel for the second respondent Board on instructions submitted that the third respondent may be directed to enquire into the matter by considering the petitioner's representation after notice to the appropriate authority of the respondent Board and after hearing all the parties.

5.The learned counsel for the petitioner is agreeable to such a direction being issued in the writ petition, though prayer has been made for a larger relief.

6.Accordingly, the Writ Petition is disposed of by directing the third respondent to consider the petitioner's application for grant of patta after issuing notice to the petitioner and concerned officer of the Tamil Nadu Housing Board and after hearing the parties shall decide if the land acquisition proceedings has already been quashed in respect of the lands in question, then the third respondent shall consider the application for grant of patta in accordance with law. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

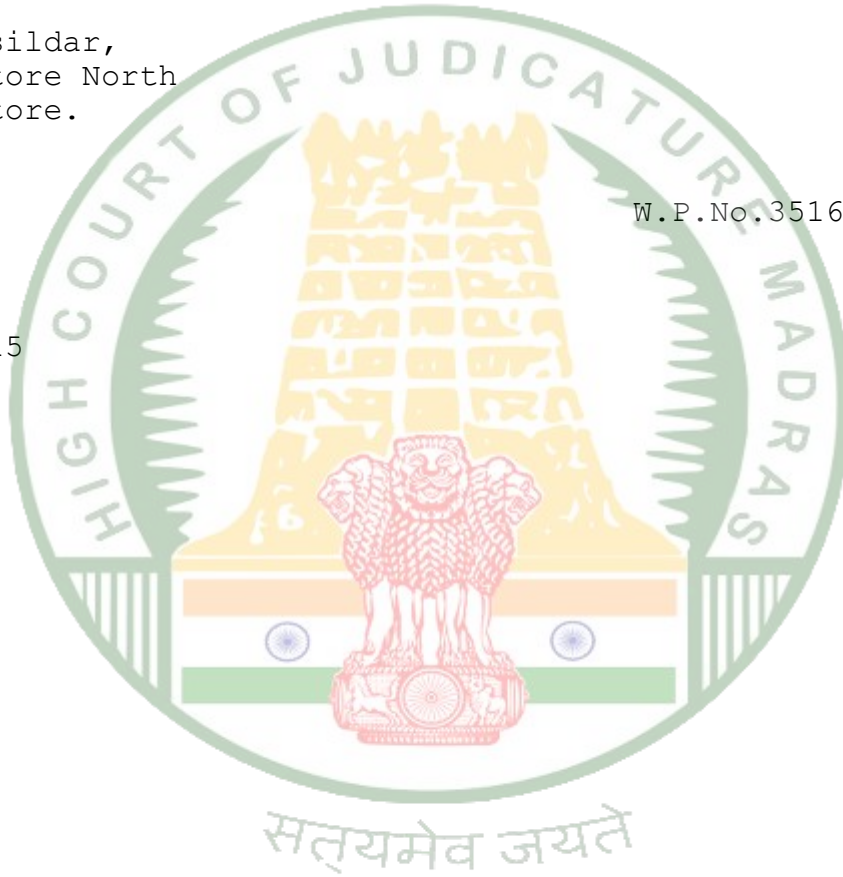
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SK(CO)
EU 29.12.15



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