

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM:

The Hon'ble Mr.Justice T.S.Sivagnanam

Contempt Petition No.153 of 2016

T.T.Ganesan

... Petitioner

Vs.

Mr.Kiran Kurala
Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 600 035.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the contempt of Courts Act praying to punish the respondent for wilful disobedience of the Order of this Court dated 02.11.2015, passed in W.P.No.16150 of 2015.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.B.Vivekavanam

Standing Counsel
for Tamil Nadu Housing Board

ORDER

This Contempt Petition has been filed, alleging wilful disobedience of the order in direction issued by this Court in W.P.No.16150 of 2015, dated 02.11.2015.

2. The respondent/Managing Director of the Housing Board has filed a counter affidavit, and, while stating that the Board is always ready to comply with the order passed by this Court, has pointed out that the petitioner, T.T.Ganesan, is one among the land owners and

interested person, and he is not the sole owner of the said land under reference. Further, while issuing notification under Section 4 (1) of the Land Acquisition Act, there was no sub division of the land in S.No.209/2, and subsequently, it has been sub divided as S.Nos.209/2A to 209/2F. The details of the original land owners/persons interested in respect of the lands in question have been given in the tabulated form, in para No.5 of the counter affidavit. While, onceagain stating that they are ready to implement the order passed by this Court, it is pointed out that the land under reference is in joint ownership, and the name of the Village was also wrongly mentioned in the Writ Petition. Therefore, the Committee constituted for considering such petitions for issuance of NOC is not able to take a decision in the matter. Further, it is stated that the petitioner may be instructed to furnish documents relating to ownership of the land, so as enable the Housing Board to take decision in the matter in accordance with the direction issued by this Court. Faced with this situation, the learned counsel for the petitioner submits that the petitioner is ready and willing to produce all the documents to prove that he is the rightful owner of the extent, which is owned by him. Since a stand has been taken by the respondent-Housing Board that the property is a joint property, the petitioner should produce all documents, proving his right/title/interest over the

property, like, patta, adangal, the encumbrance certificate for the said property for a minimum period of 12 years, and other documents, which may be in his possession, to show that he is the rightful owner of the property and the extent, over which, he claims ownership. On the petitioner furnishing all those documents by appearing in person before the Managing Director of the Tamil Nadu Housing Board, the Managing Director of the Board shall direct the documents to be verified, and thereafter, proceed to comply with the order passed by this Court, in the Writ Petition, provided, the petitioner satisfies all legal requirements.

3. The aforesaid exercise shall be completed by the Managing Director of the Board within a period of four weeks, from the date on which the petitioner appears before him and produces the documents proving his title over the property in question. No costs.

sd

SD/

DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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RLD/CO/10/03/2016

One CC to Mr.B.Vivekavanam, Advocate, SR.2377

One CC to Mr.C.Prakasam, Advocate, SR.2381

To
Managing Director,
Tamil Nadu Housing Board,
Nandanam, Anna Salai,
Chennai - 600 035.