

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.14182 and 14183 of 2016

M/s.i GATE Global Solutions Ltd.,
Rep. by its Authorised Signatory
Mrs.R.Kalavathi ... Petitioner in both W.Ps.

Vs.

The Tahsildar
Sholinganallur Taluk,
Sholinganallur,
Chennai. ... Respondent in both W.Ps.

Prayer in W.P.No.14182 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to update the name of the petitioner in revenue records and to issue patta in the name of the petitioner company in respect of the petitioner's property comprised in S.No.612/5 of Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District on the basis of the petitioner's application dated 21.03.2016 with out insisting upon N.O.C. from any one.

Prayer in W.P.No.14183 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to effect mutation of the revenue records and to issue patta in the name of the petitioner company in respect of the petitioner's property comprised in S.No.612/7, 612/8, 612/9 and 612/10 of Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District on the basis of the petitioner's application dated 21.03.2016 with out insisting upon N.O.C. from any one.

For Petitioner : Mr.R.Muthukumaraswamy
Senior Counsel
for M/s.S.Saravanan

For Respondent : Mrs.P.Rajalakshmi
Government Advocate

C O M M O N O R D E R

The present writ petitions have been filed seeking Mandamus directing the respondent herein to update the name of the petitioner in the revenue records and to effect mutation of the revenue records respectively, and to issue patta in the name of the petitioner company in respect of the petitioner's property comprised in S.No.612/5 and S.Nos.612/7, 612/8, 612/9 and 612/10 respectively, of Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District on the basis of the petitioner's application dated 21.03.2016 without insisting upon N.O.C. from anyone.

2.In the petition it is stated that the lands comprised in S.No.612/5 and S.Nos.612/7, 612/8, 612/9 and 612/10 respectively, of Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District originally belonged to one Sujit Cherian and others. Thereafter, it was purchased by Mascot Systems Private Limited, Bangalore from Sujit Cherian and Valsa Cherian and others respectively, by way of Sale Deed dated 01.06.2001 and registered as Document Nos.2738 and 2737 of 2001 respectively, on the file of Sub Registrar, Sholinganallur and patta was granted in the name of Mascot Systems Limited in Patta No.651. Meanwhile, Mascot Systems Private Limited got its name changed to IGATE Global Solutions (P) Limited and a certificate of re incorporation was issued by the Registrar of Companies, Bangalore in proceedings No.JTA/KM/15071/CS/21/2003 by approving the change of name of the petitioner company as i Gate Global Solution Private Limited and only thereafter, the petitioner came to know that the lands purchased by the petitioner were the subject matter of land acquisition proceedings at the behest of Tamil Nadu Housing Board.

3.It is further stated that immediately, the petitioner company moved the Government of Tamil Nadu for reconveyance of the property purchased by the petitioner company. The petitioner challenged the notice issued by Housing Board for eviction and this Court directed the respondents therein to consider their request for reconveyance. However, when the revenue records were computerised the petitioner's name was not updated in the revenue records and the name of the Tamil Nadu Housing Board was entered in the revenue records in respect of S.Nos.612/7, 612/8, 612/9 and 612/10, respectively. Hence, the petitioner's request for reconveyance was rejected by the Government.

4.It is further stated that challenging the same, the petitioner filed W.P.No.25791 of 2010 and during the pendency of the said writ petition, The Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Act 30 of 2013 was enacted and it came into force with effect from 01.01.2014. Hence, the petitioner herein filed miscellaneous petition for amending the prayer in the writ petition for declaration that the land acquisition proceedings in respect of the aforesaid property has lapsed by operation of

Section 24(2) of Act 30 of 2013 and this Court vide order dated 02.07.2014 allowed the W.P.No.25791 of 2010 by holding that land acquisition proceedings in respect of the aforesaid lands have lapsed under Section 24(2) of Act 30 of 2013 and challenging the same, the Tamil Nadu Housing Board filed Writ Appeal No.1101 of 2014 before the Division Bench of this Court and the said writ appeal was dismissed by the Division Bench of this Court and now, no one else has any interest over the property.

5.It is further stated that, the petitioner company submitted application to the respondent on 21.03.2016 to update the name of the petitioner in revenue records and to effect mutation of the revenue records respectively, and to issue patta in the name of the petitioner company in respect of the petitioner's property comprised in S.No.612/5 and S.Nos.612/7, 612/8, 612/9 and 612/10, respectively, of Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District. But no action has been taken so far. Hence, the petitioner has come forward with these petitions.

6.Heard the submissions of the learned Senior Counsel appearing for the petitioner and the learned Government Advocate.

7.The learned Senior Counsel appearing for the petitioner would submit that by virtue of the order passed by this Court dated 02.07.2014 in W.P.No.25791 of 2010 holding that the land acquisition proceedings in respect of the aforesaid lands have lapsed under Section 24(2) of Act 30 of 2013 which was confirmed by the Division Bench of this Court in Writ Appeal No.1101 of 2014, now the petitioner is entitled for the relief sought for in the present writ petitions.

8.The learned Government Advocate submitted that she is not aware of the fact as to whether the Tamil Nadu Housing Board has preferred any Special Leave Petition before the Hon'ble Supreme Court against the order of the Division Bench of this Court made in Writ Appeal No.1101 of 2014. Hence, the prayer sought for in these writ petitions cannot be entertained.

9.Irrespective of the submissions made on either side, this Court directs the petitioner to give fresh a representation along with the copy of this order to the respondent and the respondent on receipt of the same, is directed to consider the same, after verifying with the Tamil Nadu Housing Board as to whether any Special Leave Petition has been preferred before the Hon'ble Supreme Court and thereafter pass an appropriate orders on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

10.The writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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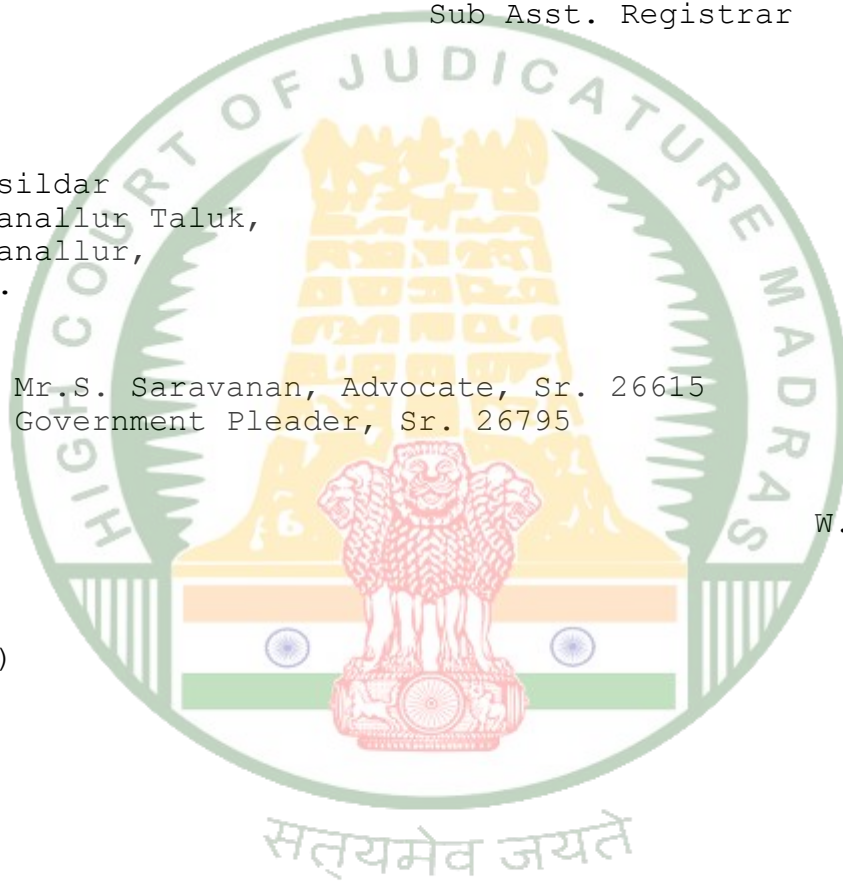
To

The Tahsildar
Sholinganallur Taluk,
Sholinganallur,
Chennai.

1 cc to Mr.S. Saravanan, Advocate, Sr. 26615
1 cc to Government Pleader, Sr. 26795

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