

In the High Court of Judicature at Madras

Dated : 22.9.2016

Co ram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.33188 of 2016

Appanna (a) Muniappa, rep.by
the power agent Lakshamma

...Petitioner

Vs

1.The Special Tahsildar (Land
Acquisition), Housing Scheme,
TNHB, Bagalur Road, Hosur,
Krishnagiri District.

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

3.The Executive Engineer, TNHB,
Bagalur Road, Hosur, Krishnagiri
District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
second respondent herein to consider the petitioner's
representation dated 10.7.2016 for transfer of patta in the name
of the petitioner in respect of lands measuring an extent of
0.26.0 hectares comprised in Survey No.95/1 and Survey No.96/1A
situated at Hosur Village, Krishnagiri District without
insisting upon NOC from Tamil Nadu Housing Board within the time
to be stipulated by this Court.

For Petitioner	:	Mr.R.Bharathkumar
For Respondent-2	:	Mr.A.N.Thambidurai, SGP
For Respondents 1 & 3	:	Mr.V.Anandhamurthy

ORDER

Mr.A.N.Thambidurai, learned Additional Government Pleader
accepts notice for the second respondent. Mr.V.Anandhamurthy,
learned Standing Counsel accepts notice for respondents 1 and 3.
Heard both. By consent, the writ petition itself is taken up for
final disposal.

2. The petitioner seeks a direction to the second respondent to consider his representation for transfer of patta in his favour in respect of the lands owned by the petitioner without insisting upon a no objection certificate from the Tamil Nadu Housing Board.

3. It is not in dispute that the acquisition proceedings, which were initiated acquiring the petitioner's lands along with other lands, have been quashed by this Court in a writ petition filed by the petitioner in W.P.No. 20272 of 2014 on 21.3.2016 in the following terms :

"Thus, by applying the law laid down by the Honourable Division Bench in the above referred decisions and in the light of undisputed fact that after passing of the award, the possession of the land still remains with the petitioner/land owner, the provisions of Section 24(2) of 2013 Act would stand attracted and consequently, the entire land acquisition proceedings shall stand lapsed.

In the result, the writ petition is allowed. However, the respondents are at liberty to initiate fresh proceedings under the provisions of the Central Act 30 of 2013."

4. It is submitted that till date, no appeal has been filed against the said order nor the State Government has initiated fresh proceedings.

5. Thus, as on date, the acquisition proceedings having been held to be illegal and quashed, the second respondent cannot insist upon a no objection certificate from respondents 1 and 3 for considering the petitioner's representation for grant of patta.

6. In the light of the above, the writ petition is disposed of with a direction to the second respondent to consider the petitioner's representation dated 10.7.2016 for transfer of patta in respect of the property in Survey Nos.95/1 and 96/1A

situated at Hosur Village, Krishnagiri District measuring an extent of 0.26.0 hectares without insisting upon the no objection certificate from the Tamil Nadu Housing Board, as the acquisition of the petitioner's property has been quashed in the earlier writ petition. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Special Tahsildar (Land Acquisition), Housing Scheme,
TNHB, Bagalur
Road, Hosur, Krishnagiri District.

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

3.The Executive Engineer, TNHB, Bagalur Road,
Hosur, Krishnagiri District.

+1 cc to Mr.R.Vijayaragavan Advocate sr 54400
+1 cc to Mr.V.Anandhamoorthy Advocate sr 54104

WP.No.33188 of 2016

aa18/10/2016

सत्यमेव जयते

WEB COPY