

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.33915 of 2016

- 1 N.Vedachalam
- 2 A.T.Rengaraju
- 3 V.Arivanantham
- 4 P.Rathinamani
- 5 M.Arumugam
- 6 D.Narayanamoorthy
- 7 E.Krishnan
- 8 T.B.Udayanan
- 9 S.Sundararaj
- 10 P.K.Sridharan
- 11 V.Rajendran
- 12 P.Harikrishnan
- 13 K.Vedachalam
- 14 V.Jayasankari
- 15 R.Dakshinamurthy
- 16 S.Soundararajan
- 17 V.Bhama
- 18 R.M.Athaulah Sheriff
- 19 V.Kasinathan
- 20 M.Askar Ali
- 21 V.Chakrapani
- 22 C.Chandran
- 23 R.Balaj
- 24 G.Jayakumar
- 25 B.Jayaraj
- 26 E.Subramanian
- 27 M.Elango
- 28 G.Jayabaskaran
- 29 M.Nagabhushanam
- 30 R.Mani
- 31 D.Srinivasalu
- 32 K.Palani
- 33 P.Lakshmi
- 34 C.J.Rajasekaran
- 35 D.Ponnusamy
- 36 K.Rajasekar
- 37 N.Gurusamy
- 38 S.Nityanandam
- 39 K.Devaki
- 40 Bangaru Ammal
- 41 K.Selvamuni
- 42 A.Navaneethan



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43 P.Krishnamurthy
44 R.Vadivelu
45 K.Veerabadran
46 D.Manoharan
47 J.Elangovan
48 N.Karunanidhi
49 S.Lakshmanan
50 A.Ethirajan
51 K.Veerappan
52 P.Iyandurai
53 C.K.Durai
54 P.Singaravelu
55 G.Anandan
56 M.P.Raja
57 A.Shameem
58 S.Sekar
59 V.Mohammed Iqbal
60 V.P.Krishnamurthy

Petitioners

Vs

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

2 The Special Tahsildar
Urban Land Tax Royakottai Road Hosur
Krishnagiri District.

3 The Executive Engiener
TNHB Bagalur Road Hosur Krishnagiri
District.

Respondents

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioners' representation dated 20.04.2016 for transfer of patta in the name of petitioners in respect of land to an extent of 3.45 acres comprised in survey Nos.928/2 and 929/2 of Hosur Village Krishnagiri District (previously Dharmapuri District) without insisting upon NOC from the Tamil Nadu Housing Board.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr. A.Kumar, SGP -RR1&2
Mr.V.Anandamoorthy-R3

ORDER

This Writ Petition is filed to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioners' representation, dated 20.04.2016 for transfer of patta in the name of petitioners in respect of land to an extent of 3.45 acres, comprised in Survey Nos.928/2 and 929/2 of Hosur Village, without insisting upon No Objection Certificate from the Tamil Nadu Housing Board.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The above Writ Petition has been filed by a group of 60 persons, alleging that the Petitioners are in possession of the property in question in spite of the land acquisition proceedings taken way back in the year 1994. According to them, earlier they filed WP.No.17495 of 2014, claiming benefits under Section 24(2) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013, specifically stating that they have been in possession in spite of the orders passed and the compensation amount has not been received by them nor it has been deposited into the court. Therefore, they would contend that in spite of the earlier orders, the Respondents are still seeking for No Objection Certificate from the Tamil Nadu Housing Board and the said act of the Respondents is not valid and an innocuous prayer has been made to direct the authority not to request for No Objection Certificate from the Tamil Nadu Housing Board.

4. On a careful analysis of the entire records, it is seen from the earlier order dated 9.12.2014 made in WP.No.17495 of 2014 that this court has also clearly pointed out that the Petitioners earlier filed WP.No.253 of 1995 challenging the very same land acquisition proceedings and later on, they withdrew the very Writ Petition itself. Therefore, the land acquisition proceedings underwent unchallenged. After that, they sought for permission from the court to file a petition under Section 48B for reclamation of the land. Once they filed a petition under Section 48B and the land has already been taken over by the Government, they cannot now claim as if they are still in possession of the lands.

5. Now, the Government asked for No Objection Certificate from the appropriate authority. Till date, no document is produced by the Petitioners to show that they are in possession. Further, the representation was sent by the Association, consisting of a group of 60 persons and not by an individual. Therefore, it is open to the Petitioners to go to the authority and convince the authority that they are in

possession and it is for the authority to consider and decide, on merits and it cannot be stated that the authority cannot insist for No Objection Certificate.

6. With the above observations, this Writ Petitions is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Srcm

To:

- 1 The Special Tahsildar
(Land Acquisition) Housing Scheme TNHB
Bagalur Road Hosur Krishnagiri District.
- 2 The Special Tahsildar
Urban Land Tax Royakottai Road Hosur
Krishnagiri District.
- 3 The Executive Engiener
TNHB Bagalur Road Hosur Krishnagiri
District.

+1 cc to Mr.R.Bharath Kumar Advocate sr 55731
+1 cc to Mr.V.Anandhamoorthy Advocate sr 55336
+1 cc to Government Pleader sr 55416

सत्यमेव जयते

WP.No.33915 of 2016

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aa02/11/2016

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