

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7148 of 2016

A.Balan

... Petitioner

Vs.

1.The District Collector,
Chennai District, Rajaji Salai,
Chennai 600 001.

2.The Tahsildar, Velachery Taluk,
Tharamani, Chennai 600 113.

3.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

(R3 impleaded by order of this court
dated 07.03.2016 in WMP.No.6786/2016)

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to grant patta to the petitioner in respect of the petitioner's land measuring 3 1/2 grounds and 147 sq.ft. comprised in Survey No.88/7, (presently T.S.Nos.34 and 35) Thiruvanmiyur Village, originally Saidapet Taluk, previously Mylapore-Triplicane Taluk, presently Velachery Taluk and effect consequent mutation of title in revenue records within a time to be stipulated by this Court.

For Petitioner : Mr.S.Thankasivan

For R1 & R2 : Mr.S.Navaneethan, AGP

For R3 : Mr.B.Vivekavanan

O R D E R

The petitioner has filed this writ petition, for a mandamus, directing respondents 1 and 2 to grant patta in respect of his land measuring 3 1/2 grounds and 147 sq.ft. comprised in Survey No.88/7, (presently T.S.Nos.34 and 35) Thiruvanmiyur Village, originally Saidapet Taluk, previously Mylapore-Triplicane Taluk, presently Velachery Taluk and

consequently effecting mutation of title in the revenue records within a time to be stipulated by this Court.

2. The case of the petitioner is that he purchased the lands measuring 3 1/2 grounds and 147 sq.ft. comprised in S.No.88/7, presently T.S.Nos.34 and 35, Thiruvanmiyur Village, under a sale deed dated 20.08.1973 registered as Doc.No.2322 of 1973 on the file of the Joint Sub Registrar, Saidapet from (i) M.Kasi (ii)T.M.Boopathi and (iii)T.M.Kuberan and others. Further, a Supplementary deed dated 27.07.1989 registered as Doc.No.2999 of 1989 was also executed by the said vendors. While so, he was issued with a notice, indicating acquisition of his land along with other lands available in the said locality. Challenging the same, the petitioner filed WP.No.9986/1986 before this court. The said writ petition was allowed and the land acquisition proceedings was quashed, by an order dated 07.11.1991. In spite of the same, no patta has been issued to him in respect of his land in S.No.88/7. Hence, the petitioner made an application dated 11.11.2013 to the Tahsildar, Mylapore-Triplicane Taluk, seeking patta for his land, to which, he was informed that as per the revenue records, the ownership of his land stands in the name of Tamil Nadu Housing Board and therefore, he was asked to produce a No Objection Certificate from the Tamil Nadu Housing Board. Accordingly, he made a representation dated 23.1.2014 to the third respondent, requesting them to issue a No Objection Certificate. However, till date, no certificate has been issued. Thereafter, he submitted a representation dated 07.10.2015 to respondents 1 and 2, for grant of patta and the same is pending without any progress. Therefore, the petitioner has come forward with the present writ petition for the above stated relief.

3. The learned counsel for the petitioner submitted that since the land acquisition proceedings had already been quashed by this Court, there is no requirement for production of No Objection Certificate from the third respondent for grant of patta in favour of the petitioner in respect of his land.

4. The learned standing counsel for the third respondent opposed the relief sought for in this writ petition. However, he admitted that the land acquisition proceedings initiated against the petitioner's land were quashed and thereafter, no fresh proceedings were initiated.

5. Keeping the submissions made on either side, this Court perused the materials placed before this court. Admittedly, as of now, no land acquisition proceedings is pending in respect of the petitioner's land. Since the third respondent - Tamil Nadu Housing Board is not the owner of the land in question, they have no right or interest over the said land. Therefore, I am of the opinion that there is no

requirement for production of No objection Certificate from the third respondent - Tamil Nadu Housing Board for grant of patta in respect of the petitioner's land.

6. Therefore, the writ petition is disposed of, with a direction to respondents 1 and 2 to consider the petitioner's representation dated 07.10.2015 by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties if any and pass appropriate orders with regard to grant of patta to the petitioner, without insisting No Objection Certificate from the Tamil Nadu Housing Board. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 1 and 2 to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.
rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector, Chennai District,
Rajaji Salai, Chennai 600 001.
- 2.The Tahsildar, Velachery Taluk,
Tharamani, Chennai 600 113.
- 3.The Managing Director, Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

+ 1 cc to Mr.S.Thankasivan, Advocate Sr 14865

+ 1 cc to Mr.B.Vivekavanam, Advocate Sr 14435

KR/28/3/16

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