

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.36683 of 2016

K.Nanu

... Petitioner

v.

1.The State of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Fort St. George
Chennai - 600 009.

2.The Special Tahsildar (LA)
Housing Scheme Unit-III
Tatabad, Coimbatore
Coimbatore District

3.The Executive engineer &
Administrative Officer
Tamil Nadu Housing Board
Tatabad, Coimbatore
Coimbatore District

4.The Tahsildar
Coimbatore (North)
Coimbatore District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records relating to the proceedings of the 4th respondent in Na.Ka.No.9007/2016/Aa1 dated 1.8.2016, quash the same and direct the 4th respondent to issue patta in the name of the petitioner by making necessary changes in the revenue records without insisting for No Objection Certificate from the 3rd respondent with respect to the lands of an extent of 2232 sq.ft. in S.F.Nos. 340 situated at Telegupalayam Village Coimbatore District belonging to the petitioner.

For Petitioner : Mr.R.N.Amarnath

For Respondents : Mr.E.Balamurugan
Addl. Govt. Pleader - for R1, R2 & R4

Mr.Vivekavanan
Standing Counsel for R3

ORDER

सत्यमेव जयते

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus, calling for the records relating to the proceedings of the 4th respondent dated 1.8.2016, quash the same and direct the 4th respondent to issue patta in the name of the petitioner by making necessary changes in the revenue records without insisting for No Objection Certificate from the 3rd respondent

with respect to the lands of an extent of 2232 sq.ft. in S.F.Nos. 340 situated at Telegupalayam Village Coimbatore District belonging to the petitioner.

2. It is the case of the petitioner that as against the acquisition proceedings initiated by the 2nd respondent, he filed a Writ Petition in W.P.No.15599 of 2013 to issue a writ of declaration that the entire acquisition proceedings in respect of the subject lands initiated under the Old Act become null and void and *non est* in law. By order dated 15.04.2016, this Court, allowed the Writ Petition holding that the entire land acquisition proceedings initiated under the Old Act in respect of the subject lands stands lapsed in view of provisions of section 24(2) of the New Act. After the passing of the order in the writ petition, the petitioner has applied for issuance of patta before the 4th respondent on 04.07.2016. However, the 4th respondent directed the petitioner to obtain No Objection Certificate from the 3rd respondent.

3. Mr.Vivekavanan, learned Standing Counsel appearing for the 3rd respondent submitted that as against the order passed in the Writ Petition dated 15.04.2016, the Housing Board has filed an appeal

before the Division Bench, however, with a delay in filing the Writ Appeal. Further, the learned counsel submitted that the Writ Appeal has not come up for admission before the Division Bench yet.

4. When the matter came up for hearing on 31.07.2017, the learned Standing Counsel appearing for the 3rd respondent submitted that the present Writ Petition may be adjourned by four weeks enabling the 3rd respondent herein to get appropriate orders in the Writ Appeal and if the 3rd respondent failed to get any interim order, in such an event, the 3rd respondent may be directed to issue No Objection Certificate to the petitioner. In view of the submissions made by the learned Standing Counsel appearing for the 3rd respondent, the matter was adjourned by four weeks and it was also made clear that in the event of the 3rd respondent failing to get any interim order in the writ Appeal, appropriate direction will be given to the 3rd respondent.

5. In view of the submissions made by the learned counsel on either side and also the order passed by this court on 31.07.2017, I am of the view that the 4th respondent can be directed to consider the petitioner's application for the issuance of patta dated 04.07.2016 and

pass appropriate orders without insisting upon No Objection Certificate from the 3rd respondent.

6. Accordingly, I direct the 4th respondent to consider the petitioner's application dated 04.07.2016 and pass appropriate orders, without insisting upon the production of No Objection Certificate from the 3rd respondent, within a period of four weeks, from the date of receipt of a copy of this order. It is also made clear that in the event of the 3rd respondent succeeding in the Writ Appeal, the 3rd respondent can file appropriate application before the concerned authority for reversing the entry in the patta.

With these observations, the writ petition is disposed of. No costs.

सत्यमेव जयते

28.08.2017
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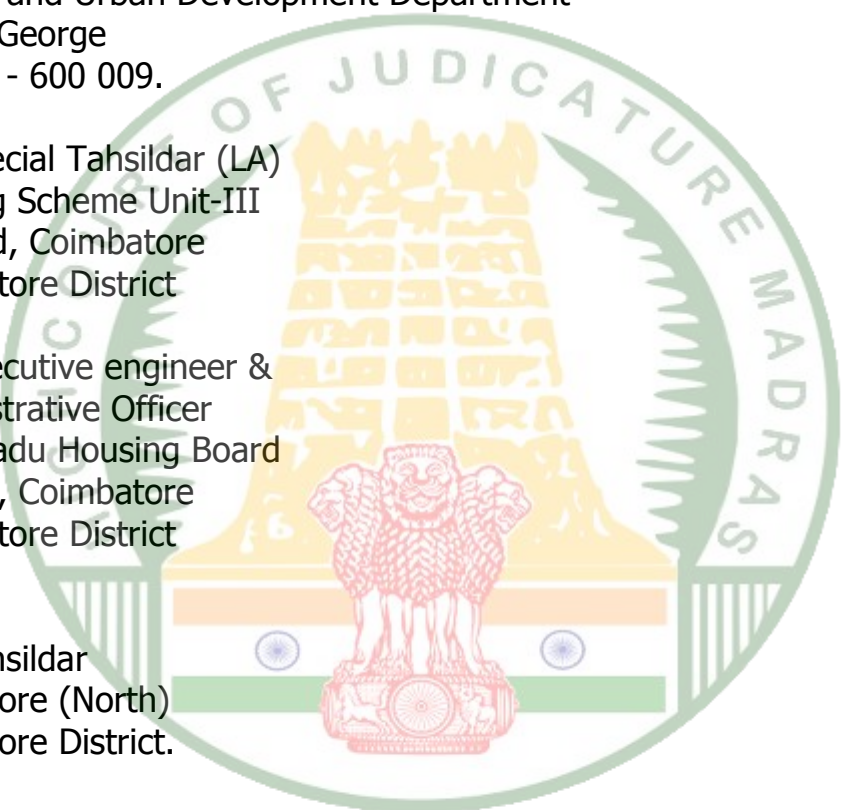
Index : Yes/No

Rj

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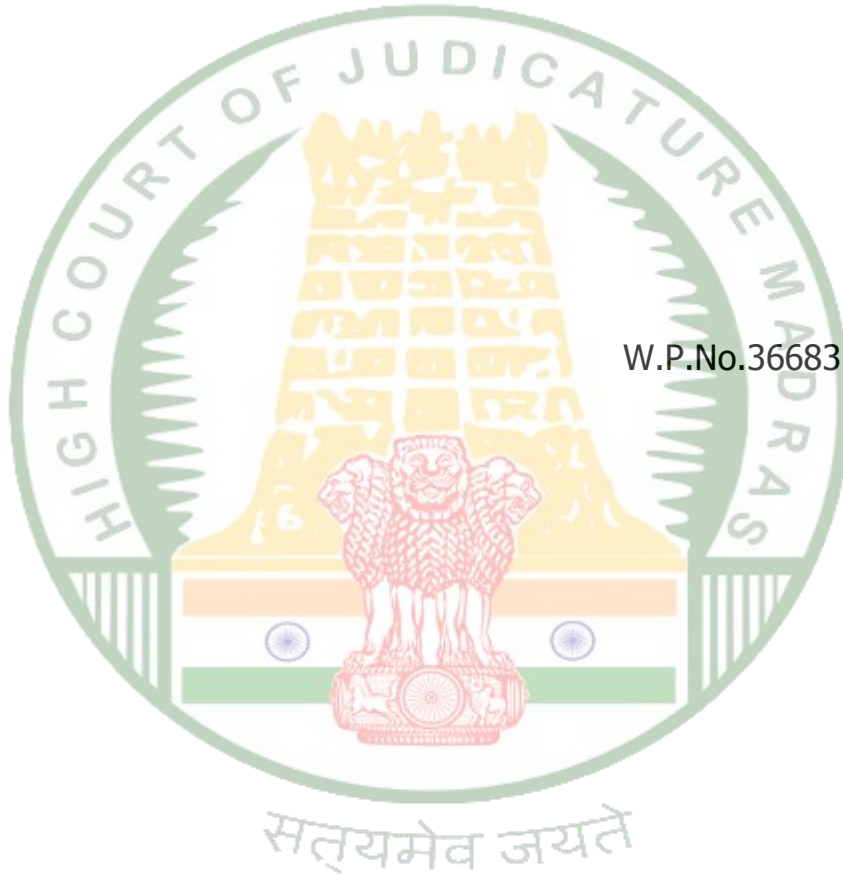
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The seal of the Tamil Nadu State of Judicature is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a green background with a white border. The words "STATE OF JUDICATURE MADRAS" are written in a green arc around the top. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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M.DURAI SWAMY, J.

Rj



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