

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

Writ Petition No.8646 of 2017

1. Nagaraj
D/o Late Ramaiah

2. Girija,
D/o Late Ramaiah

3. Bagya,
D/o Late Ramaiah

4. Padma
D/o Late Ramaiah

5. K.Varadaraj
S/o Krishnappa

...Petitioners

vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Annasalai,
Nandanam,
Chennai - 600 035.

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

3. The Special Tahsildar,
(Land Acquisition),
Bagalur Road, Hosur,
Krishnagiri District.

4. The Special Tahsildar,
Town Survey and Settlement,
Royakottai Road,
Hosur,
Krishnagiri District.

....Respondents

Writ Petition filed under section 226 of the constitution to issue a Writ of Certiorarified Mandamus to call for the records of the 4th respondent herein relating to Na.Ka.488/2016/A dated

04.10.2016 quash the same and consequently direct the 4th respondent herein to transfer the patta in favour of petitioners in respect of land to an extent of 0.83.5 Hectares (2 Acres and 6 Cents) comprised in Survey No.931/2, Hosur Village and Taluk, Krishnagiri District, without insisting upon NOC from Tamil Nadu Housing Board within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.V.Anandamoorthy,
Standing Counsel for R1 and R2
Mr.I.Sathish,
Additional Government Pleader
for R3 and R4.

O R D E R

This writ petition is filed challenging the proceedings of the fourth respondent dated 04.10.2016, wherein and whereby, the petitioner was called upon to get "No Objection Certificate" from the Tamil Nadu Housing Board for grant of patta and consequently, issue patta in favour of the petitioners in respect of the land to an extent of 0.83.5 Hectares (2 Acres and 6 cents) comprised in Survey No.931/2, Hosur Village and Taluk, Krishnagiri District, without insisting upon No Objection Certificate from the Tamilnadu Housing Board.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the official respondents and the learned standing counsel for the Tamil Nadu Housing Board.

3. It is seen that the lands belonging to the petitioners were subjected to the land acquisition proceedings and the petitioners and their predecessor filed a writ petition before this Court in W.P. Nos.34616 of 2014 by challenging the said land acquisition proceedings. It is seen that the said land acquisition proceedings was initiated for the purpose of construction of houses under the Neighbourhood Scheme of Hosur by the Tamil Nadu Housing Board. It is further seen that the said writ petition was allowed on 22.03.2016, thereby quashing the acquisition proceedings. Subsequently, the petitioners filed a Writ Petition before this Court in W.P.No.24234 of 2016 to consider the representation of the petitioners dated 30.05.2016, wherein and whereby, they have sought for separate patta. The said writ petition was disposed of on 14.07.2016 by directing the Special Tahsildar (Land Acquisition) Housing Scheme, 3rd respondent herein to consider the representation and pass orders within ten weeks therefrom. Now, the grievance of the petitioners before this Court is that even though the land acquisition proceedings were quashed by this Court as early as in the year 2016, the Revenue Tahsildar is insisting for getting

"No Objection Certificate" from the Tamil Nadu Housing Board for grant of patta in favour of the petitioners, since in pursuant to the land acquisition proceedings initiated earlier, the pattas in respect of the subject matter land was transferred in the name of the Tamil Nadu Housing Board.

4. The learned standing counsel for the Tamil Nadu Housing Board submitted that the Tamil Nadu Housing Board has not challenged the above said orders, by filing any appeal. He has also submitted that no acquisition proceedings initiated at the instance of the Tamil Nadu Housing Board, is pending, as on date, in respect of these petitioners' land as well.

5. The learned Additional Government Pleader for the official respondents submitted that the Revenue Tahsildar will not have any objection for granting patta in favour of the petitioners, as no other impediment is there for him to consider the request, except the fact that the pattas in respect of the subject matter land, as on today stand in the name of the Tamil Nadu Housing Board.

6. Considering the above stated facts and circumstances and considering the fact that the land acquisition proceedings initiated against the petitioners' land was quashed as early as in the year 2016 and further considering the fact that no acquisition proceedings is pending against the petitioners' land as on today, this Court is of the view that there cannot be any impediment to the Revenue Tahsildar to consider the request of the petitioners for grant of patta, which in effect is nothing but restoring the patta from the name of the Tamil Nadu Housing Board to the petitioners' name.

7. Accordingly, the writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the Revenue Tahsildar to consider the claim of the petitioners for grant of patta in respect of the subject matter land in their favour and pass orders on the same accordingly, without insisting for "No Objection Certificate" from the Housing Board, within a period of four weeks from the date of receipt of a copy of this order, as admittedly, the Tamil Nadu Housing Board has lost their right over the subject matter lands pursuant to the earlier order passed by this Court in WP No.34616 of 2014, through which the land acquisition proceedings was quashed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

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

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Town Survey and Settlement,
Royakottai Road,
Hosur,
Krishnagiri District.

+1 CC to Mr.V.Anandamoorthy, Advocate sr 83842.

+1 CC to Mr.R.Bharath Kumar, Advocate sr 84165.

W.P.No.8646 of 2017

SP(10/12/2018)

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