

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.16040 to 16043, 27469 & 10067 of 2017

1. B.Ramaiah
Represented by his Power of Attorney Agent
Sasikala ..Petitioner in W.P.No.16040 of 2017
- 2.Malliga
Represented by her Power of Attorney Agent
V.S.Annadurai ..Petitioner in W.P.No.16041 of 2017
- 3.R.Selvam ..Petitioner in W.P.No.16042 of 2017
- 4.Sasikala ..Petitioner in W.P.No.16043 of 2017
5. S.Asmathunnissa ..Petitioner in WP.No.27469 of 2017
6. K.Govindaraju ..Petitioner in WP.No.10067 of 2017

Vs

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
 - 2.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Bagalur Road,
Hosur,
Krishnagiri District.
 - 3.The Special Tahsildar, (Land Acquisition)
Housing Scheme
Bagalur Road, Hosur.
 - 4.The Special Tahsildar,
Town Settlement Office,
Royakottai Road,
Hosur, Krishnagiri District.
- ..Respondents
(in WP.Nos.16040 to 16043 of 2017)

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

2. The Special Tahsildar
Nagara Nilavari Thittam
Royakottai Road,
Hosur, Krishnagiri District.

3. The Executive Engineer
Tamil Nadu Housing Board
Bagalur Road,
Hosur, Krishnagiri District.

... Respondents
(in WP.No.27469 of 2017)

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)
Housing Scheme, TNHB
Bagalur Road, Hosur
Krishnagiri District.

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

... Respondents
(in WP.No.10067 of 2017)

Writ Petition No.16040 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent herein to issue patta to the petitioner in respect of house site bearing Plot No.68 measuring about 2400 sq.ft. Comprised in Survey No.661/1 situated at Hosur Village and Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court based on the petitioner's representation dated 25.04.2017 without insisting upon No Objection Certificate from the second respondent.

Writ Petition No 16041 of 2018 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent herein to issue patta to the petitioner in respect of house site bearing Plot No.51 measuring

about 2400 sq.ft. Comprised in Survey No.659/1A situated at Hosur Village and Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court based on the petitioner's representation dated 25.04.2017 without insisting upon No Objection Certificate from the second respondent.

Writ Petition No.16042 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent herein to issue patta to the petitioner in respect of house site bearing Plot No.77 measuring about 2400 sq.ft. Comprised in Survey No.661 situated at Hosur Village and Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court based on the petitioner's representation dated 25.04.2017 without insisting upon No Objection Certificate from the second respondent.

Writ Petition No.16043 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent herein to issue patta to the petitioner in respect of house measuring about 5113 sq.ft. Comprised in Survey No.661 situated at Hosur Village and Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court based on the petitioner's representation dated 25.04.2017 without insisting upon No Objection Certificate from the second respondent.

Writ Petition No.27469 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to transfer patta in favour of the petitioner in respect of lands measuring an extent of 1.93 acres comprised in old survey No.573/2B present T.S.No.4, Ward-A, Block 31 of Hosur Town and Taluk, Krishnagiri District without insisting No Objection Certificate from Tamil Nadu Housing Board within the time to be stipulated by this Hon'ble Court based on the petitioner's application dated 08.05.2017.

Writ Petition No.10067 of 2017 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent herein relating to Na.Ka.314/2014/A dated 04.10.2016 and quash the same and consequently, direct the 4th respondent herein to transfer the patta in favour of the petitioner in respect of land to an extent of 2.62 acres in Survey No.517 and 2.42 acres in Survey No.518/1B situated at Hosur Village and Taluk, Krishnagiri District, without insisting upon NOC from Tamil Nadu Housing Board within the time to be stipulated by this Hon'ble Court.

For Petitioners : Mr.R.Bharath Kumar
(in all Wps)

For Respondents: Mr.I.Sathish
Additional Government Pleader
for R1, R3 & R4
(in WP.Nos.16040 to 16043 of 2017)
for R1 & R2 (in WP.No.27469 of 2017)
for R3 & R4 (in WP.No.10067 of 2017)
Mr.V.Anandamoorthy
Standing Counsel for R2
(in WP Nos.16040 to 16043 of 2017)
for R3 (in WP.No.27469 of 2017)
for R1 & R2 (in WP.No.10067 of 2017)

C O M M O N O R D E R

In Writ Petition Nos.16040 to 16043 of 2017, the petitioners seek for mandamus directing the fourth respondent to issue patta in their favour in respect of their house sites viz., bearing Plot No.68, measuring about 2400 sq.ft comprised in Survey No.661/1, bearing Plot No.51 measuring about 2400 sq.ft. Comprised in Survey No.659/1A, Plot No.77 measuring about 2400 sq.ft. Comprised in Survey No.661 and house measuring about 5113 sq.ft. Comprised in Survey No.661, situated at Hosur Village and Taluk, Krishnagiri District, based on their representations dated 25.04.2017 without insisting upon "No Objection Certificate" from the Tamil Nadu Housing Board.

2. Writ Petition No.27469 of 2017 is filed seeking for a direction to the second respondent to transfer patta in favour of the petitioner in respect of lands measuring an extent of 1.93 acres, comprised in old survey No.573/2B present T.S.No.4, Ward-A, Block 31 of Hosur Town and Taluk, Krishnagiri District, without insisting upon "No Objection Certificate" from the Tamil Nadu Housing Board.

3. Writ Petition No.10067 of 2017 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.

4. 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.

5. It is seen that the respective lands belonging to the

petitioners were subjected to the land acquisition proceedings as early as in the year 1987 and the petitioners and their predecessors in WP.Nos.16040 to 16043 of 2017 have filed the writ petitions before this Court in WP Nos.11118 to 11121, 11123 to 11127 of 1994 and the petitioner and his predecessor in WP.No.27469 of 2017 has filed a writ petition in WP.No.4723 of 1994 and the petitioner in WP.No.10067 of 2017 has filed a writ petition in WP.No.19701 of 2008, by challenging the said land acquisition proceedings. It is seen that the said land acquisition proceedings was initiated for the purpose of implementing the labour-hood housing scheme by the Tamil Nadu Housing Board. It is further seen that the writ petitions filed by these petitioners in WP Nos.11118 to 11121, 11123 to 11127 of 1994, WP.No.4723 of 1994 and WP.No.19701 of 2008 were allowed on 08.03.2001, 25.01.2001 and 21.08.2013, thereby quashing the acquisition proceedings. 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 2001, 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 lands were transferred in the name of the Tamil Nadu Housing Board.

6. The learned standing counsel for the Tamil Nadu Housing Board submitted that these petitioners have filed the above said writ petitions and obtained the orders without impleading the Housing Board as a party/respondent. However, he 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. After saying so, the learned counsel sought time to file a formal counter.

7. Since the learned counsel made the above submission, based on instructions received from the Housing Board, I do not think that the matter needs to be adjourned just to file a formal counter by the Housing Board.

8. 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 lands, as on today stand in the name of the Tamil

Nadu Housing Board.

9. 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 2001 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.

10. Accordingly, all these writ petitions are allowed and the impugned order in WP.No.10067 of 2017 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 lands 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 Nos.11118 to 11121, 11123 to 11127 of 1994, through which the land acquisition proceedings was quashed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mk

To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur,
Krishnagiri District.

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

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

5.The Special Tahsildar
Nagara Nilavari Thittam
Royakottai Road,
Hosur, Krishnagiri District.

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

7. The Executive Engineer
Tamil Nadu Housing Board
Bagalur Road,
Hosur, Krishnagiri District.

8. The Revenue Tahsildar
Krishnagiri, Krishnagiri District.

+6 Ccs to Mr.V.Anandamoorthy, Advocate sr 81505 to 81510.

+6 Ccs to Mr.R.Bharath Kumar, Advocate sr 81975.

W.P.Nos.16040 to 16043,
27469 & 10067 of 2017

SAI (CO)
SP(11/12/2018)

WEB COPY