

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.27522 of 2018
and W.M.P.Nos.32032 & 32033 of 2018

1.N.Manoharan
2.N.Chandrasekaran

.. Petitioners

Vs

1.The Tahsildar
Dharapuram Taluk
Dharapuram-638 656
Tiruppur District.

2.The Sub Registrar
Registration Department
Dharapuram-638 656
Tiruppur District.

3.The Executive Engineer/Administrative Officer
Tamil Nadu Housing Board
Surampatti, Erode.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.164/2017, dated 30.06.2017 and quash the same and consequently directing the second respondent to remove the name of the Special Tahsildar, Dharapuram and Tamil Nadu Housing Board from Encumbrance Certificate and to issue Encumbrance Certificate in the petitioners name in respect of the petitioners land situated in Old S.No.388/C, (T.S.No.26, Block No.16, Ward No.7, Dharapuram Municipal Limit) Sitharavuthanpalayam Village, Dharapuram Taluk, Tiruppur District to the extent of 3.42 acres.

For Petitioners : Mr.C.Prakasam
For R1 : Mr.J.Ramesh
Additional Government Pleader
For R2 : Mr.T.M.Pappiah
Special Government Pleader
For R3 : Mr.V.Anandhamurthy

ORDER

The petitioners have come up with this writ petition challenging the impugned order of the second respondent dated 30.06.2017 and further seeking a direction to the second respondent to remove the name of the Special Tahsildar, Dharapuram and Tamil Nadu Housing Board from Encumbrance Register and to issue Encumbrance Certificate in the petitioners name in respect of the petitioners land.

2. According to the learned counsel for the petitioners, the petitioners are owners of the land situated at Sitharavuthanpalayam Village, Dharapuram Taluk, Tiruppur District, to the extent of 3.42 acres. The said land was acquired by the Government for Tamil Nadu Housing Board in the year 1982. Challenging the said land acquisition proceedings, the petitioners approached this Court by way of writ petitions in W.P.Nos.8497 & 8498 of 2000. Subsequently, the above said writ petitions were referred to the Division Bench and the Division Bench of this Court allowed the same on 12.08.2014. Thereafter, though the petitioners approached the second respondent to remove the name of the Special Tahsildar, Dharapuram and Tamil Nadu Housing Board from the Encumbrance Register and also made a request to issue Encumbrance Certificate in their name, the second respondent issued the impugned order dated 30.06.2017 informing the petitioners that after getting orders from the Revenue Department only, the second respondent can remove the name of the Special Tahsildar, Dharapuram and Tamil Nadu Housing Board and issue Encumbrance Certificate in the name of the petitioners. Hence, the petitioners are before this Court.

3. Heard the learned Additional Government Pleader appearing for the first respondent as well as the learned Special Government Pleader appearing for the second respondent.

4. The learned Standing Counsel appearing for the third respondent on instructions, submitted that the petitioners be directed to place the order of the Division Bench of this Court along with other relevant materials before the first respondent and on such production, the first respondent be directed to consider the claim of the petitioners and pass orders in accordance with law.

5. Recording the above said submission made by the learned Standing Counsel appearing for the third respondent, this Court directs the petitioners to produce the order of the Division Bench along with the relevant materials before the first respondent, within a period of two weeks from the date of receipt of a copy of this

order and on such production, the first respondent is directed to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioners as well as any of the interested parties, within a period of four weeks thereafter.

6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar
Dharapuram Taluk
Dharapuram-638 656
Tiruppur District.

2.The Sub Registrar
Registration Department
Dharapuram-638 656
Tiruppur District.

3.The Executive Engineer/Administrative Officer
Tamil Nadu Housing Board
Surampatti, Erode.

+1cc to Mr.V.Anandhamurthy, Advocate sr.76349

nr 30/11/2018

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