

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P.Nos.8979, 8980 & 9105 of 2018

W.P.No.8979 of 2018

- 1.A.M.Radhakrishnan
- 2.A.Rajendran
- 3.B.Jayabalan
- 4.S.Balachandran
- 5.C.Kathiresan
- 6.C.Kumar
- 7.D.Anatha Parvathy
- 8.D.Paneer
- 9.D.Pazhani
- 10.E.Kalirajan
- 11.E.Kanthabarathy
- 12.E.Pachiappan
- 13.G.Babu
- 14.G.Egambaram
- 15.G.Kanniyammal
- 16.G.Solaiappan
- 17.J.Velmurugan
- 18.J.Sudhakar
- 19.L.Latha
- 20.M.Selvaraj
- 21.M.Vasanthi
- 22.M.Vembu
- 23.N.Chellammal
- 24.N.Manokaran
- 25.N.Suseela
- 26.P.Arun Kumar
- 27.P.Saminathan
- 28.R.Balamurugan
- 29.R.Perumal
- 30.S.Balan
- 31.S.Rameshbabu
- 32.S.Sukumar
- 33.S.Suresh
- 34.S.Vijayalakshmi
- 35.T.Esakkiyappan
- 36.T.M.Sukumari
- 37.V.Radha

38.V.Vijaya
39.M.Venkatesan

... Petitioners

Vs.

1.The Tahsildar,
Maduravoyal Taluk,
Alapakkam,
Chennai-600 116

2.Tamil Nadu Housing Board,
Rep. by its Managing Director,
493, Anna Salai,
Nandanam,
Chennai - 600 035

3.The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division, Chennai

4.The Secretary,
Housing and Urban Development Department,
Chennai-9

...Respondents

(R3 and R4 suo motu impleaded vide court order dated
16.11.2018 made in W.P.No.8979 of 2018).

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to process the petitioners' applications for Patta dated 05.03.2018, 06.03.2018, 07.03.2018 & 08.03.2018 and grant Patta for the petitioner's plots situated in the layout called 'Sri Lakshmi Nagar', Alwarthiru Nagar, Chennai-87, comprised in Survey Nos.373/2A, 373/2B, 374/2 and 375, Nerkundram Village, Maduravoyal Taluk, Tiruvallur District without insisting no objection from the 2nd respondent, within a time-frame as fixed by this Court.

For Petitioner : Mr.K.Karthik Jagannath

For R1, R3 & R4: Mr.D.Raja,
Additional Government Pleader

For R2 : Mr.M.Baskar,
Standing Counsel

W.P.No.8980 of 2018

1.A.Murthy
2.A.Sathya Selvi
3.D.Vijayan

- 4.E.Govindan
- 5.E.Hemavathy
- 6.E.Rajeswari
- 7.G.Krishnaiah
- 8.I.Kumari
- 9.J.Ponni
- 10.K.Dhanam
- 11.K.Gopinath
- 12.K.Narayanan
- 13.K.Ravi
- 14.M.Baskaran
- 15.B.Gunasundari
- 16.M.Dharmalingam
- 17.M.Mani
- 18.M.Manjuladevi
- 19.M.R.Pazhani
- 20.M.Sambandam
- 21.M.Vedamuthu Rajan
- 22.N.Paramasivam
- 23.N.Prema
- 24.N.S.Mani
- 25.P.Esakkimuthu
- 26.P.Murugesan
- 27.P.Ramanathan
- 28.R.Elumalai
- 29.R.Jayarani
- 30.R.Vijaya
- 31.R.Sivaraman
- 32.R.Parameswari
- 33.R.Rekha
- 34.R.Vijayalakshmi
- 35.S.Amsavalli
- 36.S.Anjala
- 37.S.Indira
- 38.S.Meenatchi
- 39.S.Pazhani
- 40.S.Ravi
- 41.K.Santhi
- 42.K.Thiagarajan
- 43.K.Prabhu
- 44.V.Meena
- 45.V.Ponnusamy
- 46.M.Annamalai
- 47.G.Chandra
- 48.G.Venkatesan
- 49.J.Sagunthala
- 50.K.Sekar
- 51.N.Dhandapani
- 52.P.Manjula
- 53.P.Senthilkumar

54.P.Sathishkumar
55.A.Ponni
56.R.Jayasingh
57.S.Kalaiselvi
58.T.Dhakshnamurthy

... Petitioners

Vs.

- 1.The Tahsildar,
Maduravoyal Taluk,
Alapakkam,
Chennai-600 116
- 2.Tamil Nadu Housing Board,
Rep. by its Managing Director,
493, Anna Salai,
Nandanam,
Chennai - 600 035
- 3.The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division, Chennai
- 4.The Secretary,
Housing and Urban Development Department,
Chennai-9
(R3 and R4 suo motu impleaded vide court order dated
16.11.2018 made in W.P.No.8980 of 2018).

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to receive and process the petitioners' applications for Patta dated 12.03.2018 & 16.03.2018 and issue Patta for the petitioner's plots situated in the layout called 'Sri Lakshmi Nagar', Alwarthiru Nagar, Chennai-87, comprised in Survey Nos.373/2A, 373/2B, 374/2 and 375, Nerkundram Village, Maduravoyal Taluk, Tiruvallur District without insisting no objection from the 2nd respondent, within a time-frame as fixed by this Court.

For Petitioner : Mr.K.Karthik Jagannath

For R1, R3 & R4: Mr.D.Raja,
Additional Government Pleader
For R2 : Mr.M.Baskar,
Standing Counsel

W.P.No.9105 of 2018

- 1.K.Mohan
- 2.K.R.Viswanathan
- 3.M.Lakshmanan
- 4.M.S.Thiyagarajan
- 5.R.Uma

6.S.Chellammal
7.P.Mani
8.M.Ananthi
9.M.Vasantha
10.N.Thanigaivel
11.P.Gopinath
12.P.Sankaranarayanan
13.P.Janakiraman

... Petitioners

Vs.

- 1.The Tahsildar,
Maduravoyal Taluk,
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Chennai-600 116
- 2.Tamil Nadu Housing Board,
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K.K.Nagar Division, Chennai
- 4.The Secretary,
Housing and Urban Development Department,
Chennai-9
(R3 and R4 suo motu impleaded vide court order dated
16.11.2018 made in W.P.No.9105 of 2018).

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to receive and process the petitioners' applications for Patta dated 05.04.2018 and issue Patta for the petitioner's plots situated in the layout called 'Sri Lakshmi Nagar', Alwarthiru Nagar, Chennai-87, comprised in Survey Nos.373/2A, 373/2B, 374/2 and 375, Nerkundram Village, Maduravoyal Taluk, Tiruvallur District without insisting no objection from the 2nd respondent, within a time-frame as fixed by this Court.

For Petitioner : Mr.K.Karthik Jagannath

For R1, R3 & R4: Mr.D.Raja,
Additional Government Pleader

For R2 : Mr.M.Baskar,
Standing Counsel

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for Housing Board, learned Additional Government Pleader for the Government.

2. The petitioners are land owners in Survey No.373/2A, 373/2B, 374/2 and 375, Nerkundram Village, Maduravoyal Taluk, Tiruvallur District. The land was earlier sought to be acquired by Housing Board for developing housing tenements. The said acquisition proceedings was initiated under the Land Acquisition Act, 1984 vide G.O.Ms.No.124 dated 08.05.1975 was later subjected to challenge in W.P.No.18379 of 1991. This Court quashed Section 4(1) notification published on 11.06.1975 vide order dated 01.07.1999. Thus, the acquisition proceedings initiated by the Housing Board was quashed. Subsequently, the petitioners herein have purchased flats promoted by the land owners under the name and style of Sri Lakshmi Nagar layout. Now when the petitioner sought for issuance of patta, the first respondent has directed them to get No Objection Certificate from the Housing Board. Though the lands are not subject matter of any acquisition proceedings, in a similar circumstances the other flat owners when approached this Court in W.P.No.17484 to 17493 of 2017 dated 04.09.2017, directed the first respondent to consider the application of land owners for issuance of patta without insisting them to produce NOC from Tamil Nadu Housing Board. Seeking parity with them, the present writ petitions have been filed.

3. Counter has been filed by the first respondent. It is admitted that the acquisition proceedings initiated by them was quashed by this Court. Initially Section C declaration of the acquisition proceedings was quashed in W.P.No.8371 of 1986 on 21.01.1988 and thereafter 4(1) notification itself got quashed in W.P.No.18379 of 1991 vide order dated 01.07.1999. In the counter it is also admitted that in a batch of writ petitions, this Court has directed the Government to issue patta without insisting the petitioners to get NOC from the Housing Board. However, pointing out that the Housing Board has preferred Writ Appeal against the order passed by this Court quashing 4(1) notification, the first respondent insisted upon NOC from Housing Board.

4. The Standing Counsel for Housing Board submitted that the Writ Appeal Sr.No.84733 to 84740 of 2017 and 84742 to 84743 of 2017 filed against the order passed by the Court in W.P.No.18379 of 1991 etc is pending in the Registry and yet to be numbered. Therefore the Housing Board is not in a position to issue NOC.

5. After hearing the counsel it is obviously clear that the lands acquired by the petitioners are no more under the acquisition proceedings. The Housing Board has not taken steps to pursue their writ appeal filed in the Registry as early as 2017, but yet to be numbered. Citing unnumbered appeal papers, the right of the petitioners cannot be deprived being third party who have purchased after the acquisition proceedings were quashed. Therefore, the Housing Board is bound to give NOC and the first respondent is bound to consider the application for transfer of patta based on the representation given by the petitioners without insisting on NOC issued by the second respondent.

6. Hence, it is directed the first respondent shall without insisting NOC from the Housing Board issue patta within a period of four weeks from the date of receipt of this order if the petitioners produce all the other necessary documents for change of patta.

7. With the above direction, the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

- 1.The Tahsildar,
Maduravoyal Taluk,
Alapakkam,
Chennai-600 116
- 2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai - 600 035
- 3.The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division, Chennai

4.The Secretary,
Housing and Urban Development Department,
Chennai-9

+4cc to Mr..K.Karthik Jagannath, Advocate SR.No.79200

+1cc to Mr.M.Baskar, Advocate SR.No.80081

+1cc to Government Pleader SR.No.80226

W.P.Nos.8979, 8980 & 9105 of 2018

RK(CO)
GMY(14/10/2019)