

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.21100 of 2018

T.Bhuvanendran

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.Tamil Nadu Housing Board,
Rep. by its Managing Director,
No.33, Anna Salai,
Nandanam, Chennai - 600 035.
- 3.The Executive Engineer,
Tamil Nadu Housing Board,
Housing Scheme,
Bagalur Road, Hosur,
Krishnagiri District.
- 4.The Tahsildar,
Hosur Taluk Office,
Hosur,
Krishnagiri District.
- 5.The Special Tahsildar,
Land Acquisition,
Hosur Housing Scheme,
Bagalur Road, Hosur,
Krishnagiri District.

.. Respondents

PRAYER : Writ Petitions 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 relating to Na.Ka.1590/2018/A2 dated 06.07.2018 quash the same and consequently direct the 4th respondent to issue computerized patta to the petitioner in respect of lands to an extent of 2499 sq.ft. or 5.73 cents comprised in Survey No.24/5 situated at Naligabetta Agraharam Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court without insisting upon No Objection Certificate from the 2nd respondent.

For Petitioner : Mr.R.Bharath Kumar
For RR1, 4 & 5 : Mr.V.Shanmugasundar
Special Government Pleader
For RR2 & 3 : Mr.V.Anandamurthy
Standing Counsel

O R D E R

The Writ Petition is filed challenging the proceedings in Na.Ka.1590/2018/A2 dated 06.07.2018 on the file of the fourth respondent and quash the same and consequently direct the fourth respondent to issue computerized patta to the petitioner in respect of lands to an extent of 2499 sq.ft. or 5.73 cents comprised in Survey No.24/5 situated at Naligabetta Agraharam Village, Hosur Taluk, Krishnagiri District without insisting upon No Objection Certificate from the second respondent.

2. The case of the petitioner is that he purchased lands of specific extent in Survey No.24/5 situated at Naligabetta Agraharam Village, Hosur Taluk, Krishnagiri District. Since he did not have patta, he approached the fourth respondent for issuance of computerized patta. Already the fourth respondent had issued Patta No.40 to an extent of 118 sq.ft. as against 236 sq.meter. When the petitioner enquired with the fourth respondent about the shortage of extent of land, he had instructed the petitioner to obtain No Objection Certificate from the Tamil Nadu Housing Board, in whose favour the lands were initially acquired. Thereafter, a representation was given on 24.10.2017 to the respondents herein requesting for No Objection Certificate for transfer of patta. On 19.12.2017, the third respondent also informed the petitioner to approach the second respondent for issuance of No Objection Certificate as the second respondent is the competent authority. While so, W.P.No.866 of 2018 seeking mandamus was filed by the petitioner against the fourth respondent to issue patta. By order dated 12.01.2018, this Court directed the fourth respondent to consider his representation. Admittedly, the Survey Number was wrongly mentioned by the petitioner and therefore, his request/representation was rejected insisting on the No Objection Certificate to be obtained from the Tamil Nadu Housing Board. Against the said order, the present Writ Petition has been filed.

3. Heard the learned counsels appearing on both sides.

4. The learned Standing Counsel appearing for the Tamil Nadu Housing Board had filed a Counter, in which, it is stated that at the time of acquisition, the lands in S.No.24/5 was subdivided as 24/5A and 24/5B and the Housing Board has taken the

lands in S.No.24/5A and fully utilized the same. The compensation amount was also given to the Land Acquisition Officer for making payment. In respect of lands in S.No.24/5B, the Tamil Nadu Housing Board had not taken possession, as the Land Acquisition Proceedings with respect to the same was quashed.

5. Admittedly, S.No.24/5 has been sub divided into 24/5A and 24/5B. As the petitioner has not given correct Survey Number without advertng to the sub division, that was made later, the Tahsildar also demanded for No Objection Certificate. Now, the Housing Board also states that acquisition in respect of one sub divided Survey Number was quashed and the petitioner can apply afresh for No Objection Certificate to the second and third respondents, who may consider the application and issue No Objection Certificate. However, the petitioner has to clearly mention the extent of land that is available in S.No.24/5B by getting the land surveyed and taking the exact extent in his possession.

6. As stated above, admittedly, the Land Acquisition Proceedings with respect to land in Survey No.24/5B was quashed and the Housing Board has not taken possession of the same and thus, they could not have any objection in granting patta to the petitioner in respect of S.No.24/5B. However, the Tahsildar has rejected to grant patta for non production of No Objection Certificate from the Housing Board. In such view of the matter, the fourth respondent is directed to issue the patta in favour of the petitioner with respect to the land in Survey No.24/5B, if otherwise everything is in order after giving notice to all the interested parties and affording them an opportunity of personal hearing.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
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3.The Executive Engineer,
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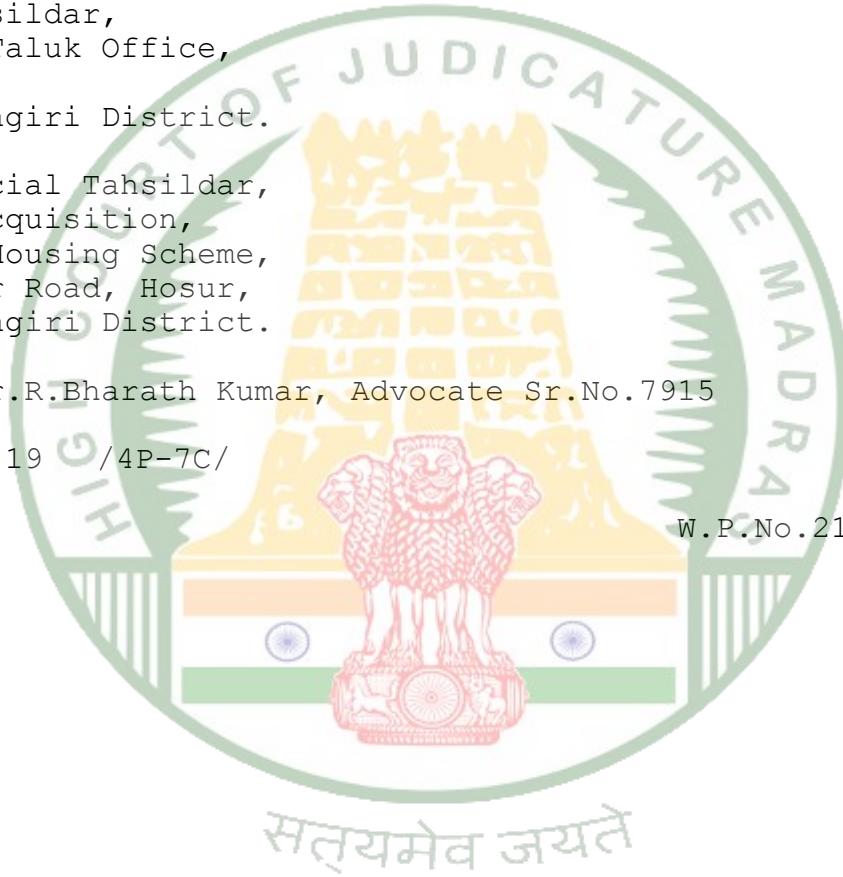
4.The Tahsildar,
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5.The Special Tahsildar,
Land Acquisition,
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Bagalur Road, Hosur,
Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate Sr.No.7915

AKM/27.09.19 /4P-7C/

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