

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11539 of 2020
& WMP Nos.14112, 14117 and 14115 of 2020

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

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.6491/2019/A1 dated 13.07.2020 and quash the same and consequently directing the 2nd 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 Petitioner : Mr.C.Prakasam

For Respondents : Mr.E.Balamurugan,
Special Government Pleader - for R1
Mr.T.M.Pappiah
Special Government Pleader - for R2
Mr.Anandamoorthy, Standing Counsel
- for R3

O R D E R

This Court passed the following order on 27.08.2020.

" Mr.E.Balamurugan, Special Government Pleader takes notice for the first respondent. Mr.T.M.Pappaiah, Special Government Pleader takes notice for the second respondent and Mr.Anand Moorthy takes notice for the third respondent.

2. It is seen from the records that initially, after the proceedings were initiated to acquire the property by the Tamil Nadu Housing Board, acquisition became subject matter of challenge and the Division Bench of this Court in W.P.No.8497 and 8498 of 2018 by Order dated 12.08.2018, declared that the acquisition proceedings itself has lapsed and in view of the same the petitioner requested the respondent to remove the name of the Housing Board from the Revenue records. Since it was not acted upon, the petitioner again approached this Court and filed W.P.No.27522 of 2018. This Court disposed of the writ petition by an Order dated 12.11.2018 and directed the respondent to consider the claim of the petitioner in light of the Order passed by the Division Bench. Further, it is seen that the first respondent issued the impugned letter dated 13.07.2020 directing the petitioner to approach the Housing Board.

3. In the considered view of this Court, this impugned letter issued by the first respondent is in complete violation of the Order passed by this Court in W.P.No.27522 of 2018, dated 12.11.2018. Hence, this Court directs the first respondent to recall the letter dated 13.07.2020 and pass appropriate Orders by taking into consideration the Order of the Division Bench and the subsequent Order passed in W.P.No.27522 of 2018 and report before this Court in the next date of hearing.

4. Post this case under the caption 'for reporting compliance' on 14.09.2020.

2. Today when the matter is posted under the caption "For Reporting Compliance", the learned Special Government Pleader appearing on behalf of the respondents circulated the proceedings of the first respondent dated 10.09.2020.

3. A reading of the said proceedings reveals the fact that the name of the Housing Board has been removed from the Revenue Records and the names of the petitioners has been restored in the Revenue Records.

4. The submissions made by the learned Special Government Pleader and the proceedings of the first respondent dated 10.09.2020 is hereby recorded and this writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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 the Government Pleader in SR.NO..30072

सत्यमेव जयते

W.P.No.11539/202

jp(co)
rv(29/9/2020)

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