

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17836 of 2020

Gnanambikai Marannan,
W/o.T.K.Marannan,
New No.1 (Old No.24-B)
G.K.S.Nagar,
Pappanaickenpalayam,
Coimbatore 641 037.

... Petitioner

Vs.

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

2.The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam, Chennai 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore - 641 012.

4.The Special Tahsildar,
(Land Acquisition)
Housing Scheme Unit No.III,
Coimbatore.

5.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 5th respondent herein to issue patta in respect of the lands measuring 6792 sq. ft. in S.F.No.21/2 (21/2A) situate at Ganabathy Village, Coimbatore North Taluk and District without insisting 'NOC' from the respondents 2 to 4 and within a stipulated period.

For Petitioner
For Respondents

: Mr.K.Govi Ganesan
: Mr.E.Balamurugan (for R1)
Special Government Pleader
Mr.R.Bharath Kumar (for R2 to R4)
Mr.S.N.Parthasarathy (for R5)
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the fifth respondent to consider the application given by the petitioner seeking for patta with respect to the subject property without insisting for "No Objection Certificate" from the Tamil Nadu Housing Board.

2.Mr.S.N.Parthasarathy, learned Government Advocate appearing on behalf of the fifth respondent submitted that the fifth respondent has already called the petitioner for an enquiry on 23.12.2020 at 4.00 p.m. The learned counsel submitted that the petitioner can be present at the time of enquiry along with all the relevant documents.

3.Heard Mr.K.Govi Ganesan, learned counsel for the petitioner; Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of R1; Mr.R.Bharath Kumar, learned counsel appearing on behalf of R2 to R4 and Mr.S.N.Parthasarathy, learned Government Advocate for R5.

4.It is seen from records that two other land owners, who are similarly placed like that of the petitioner, had approached this Court and filed W.P.Nos.9928 and 9929 of 2017. This Court, after hearing both sides, was pleased to pass final orders on 30.11.2018 directing the Tahsildar to consider the claim of the petitioners therein for grant of patta without insisting for "No Objection Certificate" from the Housing Board. This Court took into consideration the fact that the entire acquisition proceedings was quashed by this Court in W.P.Nos.11274 and 11275 of 2014 by an order dated 15.12.2015 and this order had become final.

5.In view of the above, there shall be a direction to the fifth respondent to proceed further with the enquiry in line with the earlier orders passed by this Court and pass appropriate orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above directions. No costs.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

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

2.The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam,
Chennai 600 035.

3.The Executive Engineer,
Tamil Nadu Housing Board,
Coimbatore - 641 012.

4.The Special Tahsildar,
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Housing Scheme Unit No.III,
Coimbatore.

5.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District.

+ 1 cc To Mr.K.Govi Ganesan, Advocate SR.NO.40566
+1 cc to The Government Pleader, High Court, Madras SR.NO.40729

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NRL (CO)
RRI 21/01/2021



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