

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.21576 of 2019

Onnukurikki

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board
(TNHB), 493, Anna Salai,
Nandanam, Chennai 600 035.

2.The Executive Engineer-cum-
Administrative Office,
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bagalur Road,
Hosur 635 109.
Krishnagiri District.

3.The Special Tahsildar (L.A.),
Hosur Housing Unit,
Hosur, Krishnagiri District.

4.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.

5.The Special Tahsildar,
Town Survey and Settlement,
Royakottai Road,
Hosur 635 109,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents 4 and 5 herein to transfer the patta in the name of the petitioner in respect of land measuring to an extent of 1.24 acres in Survey No.853/1B of Chennathur Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Court based on the petitioner's representation dated 21.5.2019, without insisting upon No Objection Certificate from the respondents 1 and 2.

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For Petitioner : Mr. K.Govi Ganesan

For Respondents: Mr. Bharath Kumar,
Standing counsel, TNHB
for R1 and R2
Mr.D.Raja, AGP for R3 to R5

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the 4th and 5th respondents to transfer the patta in the name of the petitioner with respect to the subject property based on the representation made by the petitioner on 21.5.2019.

2. The case of the petitioner is that the subject property situate in Survey No.853/1B at Chennathur Village, Hosur Taluk, Krishnagiri District was initially acquired under the Land Acquisition Act, 1894. Subsequently, a declaration was sought for by the petitioner in WP.No.17263 of 2014 to declare that the acquisition proceedings itself has lapsed by virtue of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is seen from records that this Court, by an order dated 11.1.2018, allowed the Writ Petition and declared the land acquisition proceedings in so far as the subject property is concerned to have lapsed.

3. The petitioner, thereafter made a representation to the respondents on 21.5.2019 for transferring the patta in his favour with respect to the subject property. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.K.Goviganesan, learned counsel appearing for petitioner and Mr.Bharathkumar, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.Raja, Addl. Govt. Pleader appearing for the respondents 3 to 5.

5. Taking into consideration, the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 4th and 5th respondents to consider the representation made by the petitioner on 21.5.2019 strictly in accordance with law and pass final orders within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 4th and 5th respondents along with all the relevant documents and also a copy of this order.

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

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

msr

To

1.The Managing Director,
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(TNHB), 493, Anna Salai,
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5.The Special Tahsildar,
Town Survey and Settlement,
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Hosur 635 109,
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+1cc to Mr.K.Govi Ganesan, Advocate SR.39029
+1cc to the Government Pleader SR.38883

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