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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cont. P. No. 366 of 2021

1. G. Padmanabhan
2. G. Shanmugam

Both are residing at 26/9A,
Min Nagar, Therpet Road,
Hosur – 635 109, Krishnagiri.

.. Petitioners

Vs

Senthil Kumar,
The Tahsildar,
Hosur – 635 109,
Krishnagiri District

.. Respondent

Prayer :- Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for wilful disobedience of the order dated 30.11.2018 passed by this Court in W.P.No.9929 of 2017.

For Petitioner	: Mr.Avinash Wedhavani for Mr.V.Raghavachari
For Respondent	: Mr.Richardson Wilson Government Advocate

ORDER

This Contempt Petition has been filed to punish the respondent for non-compliance of the order dated 30.11.2018 passed by this Court in

W.P.No.9929 of 2017.



2. Originally, the land belong to the petitioners to an extent of 0.95.0 hectares comprised in Survey No.957, 0.04.0 hectares comprised in Survey No.958/1 and 0.32.0 hectares comprised in Survey No.958/2, totally to an extent of 1.29.0 hectares situated at Hosur Village and Taluk, Krishnagiri District and the same were acquired by the Tamil Nadu Housing Board. The entire acquisition proceedings were challenged by the petitioner in W.P.Nos. 11274 & 11275 of 2014. Both the writ petitions were allowed and the entire acquisition proceedings were quashed by an order dated 15.12.2015. Thereafter, the petitioners filed writ petition in W.P.Nos. 9928 & 9929 of 2017 to transfer the patta in favour of the petitioner and this Court by an order dated 30.11.2018, directed the respondent, without insisting for “No Objection Certificate” from the Housing Board and grant patta in respect of the subject land in favour of the petitioners.

3. It is further observed that the Tamil Nadu Housing Board has lost their right over the matter, in pursuant to the order dated 15.12.2015 passed by this Court in W.P.Nos. 11274 & 11275 of 2014. Though the land acquisition proceedings are deemed to have lapsed, thereafter, the respondent herein, by an order dated 15.10.2019, rejected the claim of the petitioners for the reason that there are rival claimants seeking patta for the very same subject land i.e., one Rathinammal and Anandhkumar. In fact, one of the rival claimant i.e.



Anandkumar and six others filed a writ petition in W.P.No.5251 of 2019 before this Court, for a direction directing the respondent and other revenue officials to issue joint patta for the subject land including other lands. This writ petition was disposed of, for the reason that the representation made by the petitioners has already been considered and the order was passed on 26.07.2019.

4. A perusal of the order passed in W.P.No.5251 of 2019, dated 26.07.2019 reveals that the counter parties claimed patta and they were directed to approach the Civil Court to prove their title over the property and thereafter, to approach the revenue officials for issuance of patta.

5. However, the case of the petitioner is completely different, since, before acquisition of land, admittedly, the subject land stood in the name of the petitioners and one Manonmani in the UDR 'A' Register. Accordingly, the entire revenue records stood in the name of the petitioners and one Manonmani. After acquisition of the subject land, the revenue records mutated in the name of Tamil Nadu Housing Board and they were issued patta. After quashing the acquisition proceedings, this Court, subsequently directed the respondent to restore the revenue records in the name of the petitioners without insisting “No Objection Certificate” from the Tamil Nadu Housing Board.



6. Without considering, the respondent passed an order on 15.10.2019, for the reason that there are rival claimants and as such, directed the parties concerned to approach the Civil Court and after declaring the title in their favour, the request of the petitioner will be considered.

7. In view of the above discussion, the order passed by the respondent dated 15.10.2019 cannot be sustained as against the petitioners and it is liable to be set aside. Accordingly, the impugned order passed by the respondent in P.M.No.6560/2018 A2, dated 15.10.2019 is hereby set aside. The respondent is directed to restore the revenue records and issue patta in favour of the petitioners for the subject land, within a period of two weeks from the date of receipt of a copy of this order.

8. The learned counsel for the respondent would submit that the Housing Board now filed a Writ Appeal as against the order dated 30.11.2018 in W.P.No.9929 of 2017 passed by this Court, thereby quashing the acquisition proceedings.

9. If the Tamil Nadu Housing Board succeeds in the writ appeal, it is open to the Tamil Nadu Housing Board to acquire the land in the manner known to law.



10. With the above direction, the Contempt Petition is disposed of.

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ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/13.12.2021

To
The Tahsildar,
Hosur – 635 109,
Krishnagiri District