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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.03.2021

Pronounced on : 30.07.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.Nos.4624 & 6280 of 2021  
&WMP.No.6891 of 2021

W.P.No.4624 of 2021

Usharani

... Petitioner in WP/4624/2021

Vs.

1.The Tahsildar,  
Maduravoyal Taluk,  
Gangayamman Koil Street,  
Alappakkam,  
Chennai - 600 116.

2.The Tamil Nadu Housing Board,  
Rep. By its Managing Director,  
No.493, Anna Salai,  
Nandanam, Chennai - 600 035.

3.The Special Tahsildar,  
Tamil Nadu Housing Board,  
K.K.Nagar Division,  
Chennai.

4.The Secretary,  
Housing and Urban Development Dept.,  
Chennai - 600 009. ... Respondents in WP/4624/2021

W.P.No.6280 of 2021

1.Mrs.D.Lakshmi  
2.Mrs.D.Prabhavathi  
3.Mr.D.Naresh Kumar

... Petitioners in WP/6280/2021

Vs.

1.The Secretary to Government,  
Housing and Urban Development Department,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 009.



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2.The Managing Director,  
Tamilnadu Housing Board,  
No.493, Anna Salai,  
Nandanam, Chennai - 600 035.

3.The Executive Engineer  
and Administrative Officer,  
K.K.Nagar Division,  
Tamil Nadu Housing Board,  
C-48, T.N.H.B Commercial Complex,  
Anna Nagar, 2<sup>nd</sup> Avenue, Chennai - 600 040.

4.The Special Tahsildhar,  
Tamil Nadu Housing Board,  
K.K.Nagar Division,  
Chennai.

5.The Tahsildar,  
Maduravayal Taluk,  
Maduravayal,  
Thiruvallur District.

... Respondents in WP/6280/2021

Prayer in WP.4624/2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner's applicated dated 11.09.2020 and to grant patta in the name of the petitioner in respect of No.12, Srilakshmi Nagar, Nerkundram, Chennai 600 107 to an extent of 1260 sq.ft comprised in S.No.373/2B, Nerkundram Village, Maduravoyal Taluk, Thiruvallur District.

Prayer in WP/6280/2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 5<sup>th</sup> Respondent to issue the Patta to the Petitioner for his land measuring an extent of 1200 Sq.ft, Comprised in Survey No.284/1A, of Nerkundram Village, Maduravoyal Taluk, Thiruvallur District an situate at Door No.3, 1<sup>st</sup> Street, Vinayagapuram, Chennai - 600 107, lying within the Registration District of Chennai South and Sub Registration District of Virugambakkam.

W.P.No.4624 of 2021

|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : Mr.M.Prem Kumar                             |
| For R1 & R4    | : Mr.S.N.Parthasarathi<br>Government Advocate |
| For R2 & R3    | : Mr.M.Baskar                                 |



W.P.No.6280 of 2021

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|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.IIlaya Perumal           |
| For R1,R4 & R5 | : Mrs.R.Janaki                |
|                | Additional Government Pleader |
| For R2 & R3    | : Mr.M.Baskar                 |

#### COMMON ORDER

A certain Venkatasamy Naicker and his wife Ponnammal owned a block of 10.73 acres in Sy.Nos.284/1A, 373/2A, 373/2B, 374/2 and 375 of Nerkundram Village. This property was notified by the Government for purposes associated with the Housing Board. The details of the notifications are as below;

- a) on 08.05.1975, a notification under Section 4(1) of the Land Acquisition Act, 1894 was published
- b) on 11.06.1975 Section 6 declaration too was published.

2.1. Both Venkatasamy Naicker and Ponnammal challenged the notification issued under Section 6 of the Act in W.P.No.8371 of 1986 presumably on the ground that the enquiry contemplated under Section 5A of the Act was not conducted. On 21.01.1988, this was allowed and the notification issued under Section 6 of the Act was set at naught. And, no fresh enquiry was conducted under Section 5A.

2.2. In the said circumstances, both Venkatasamy Naicker and Ponnammal filed W.P.No.18379 of 1991 to quash the very notification issued under Section 4(1). On 01.07.1999 this Writ Petition too was allowed and the same came to be quashed.

3.Thus, the aforesaid property of Venkatasamy Naicker and Ponnammal were freed from the cloud of acquisition. While so, both the owners passed away and the property devolved on their heirs. The heirs of Venkatasamy Naicker and Ponnammal began to transact the properties and sold the same to various people and the purchasers thereafter also appeared to be transacting the property. So far as the present petition is concerned, Usharani, the petitioner in W.P.No.4624 of 2021 has purchased a plot measuring 1260 Sq.ft. comprised in Sy.No.373/2B. So far as W.P.6280 of 2021 is concerned, a certain Durai (under who the petitioners in that petition claim title), had purchased a plot measuring 1,200 Sq.ft. Comprised in Sy.No.284/1A of Nerkundram Village. When both of them moved for transferring patta in their names, the Tahsildhar, Maduravoyal Taluk (1<sup>st</sup> respondent in WP/4624/2021 and 5<sup>th</sup> respondent in WP/6280 of 2021) has insisted on a NOC from the Housing Board.



4. Heard both sides. The learned counsel for the petitioners in both the cases submitted that an identical issue arising out of same properties came up before this Court in a batch of Writ Petitions in 17484 to 17493 of 2017, W.P.No.8979, 8980 and 9105 of 2018 and W.P.No.8633 to 8636 of 2020. In all of which, this Court has directed issuance of patta without insisting on NOC from the TNHB.

5. This Court carefully perused the copy of the order in W.P.No.8371 of 1986, W.P.No.18379 of 1991 and the various orders passed by this Court where it had directed grant of patta without insisting on NOC from the Housing Board.

6. The Housing Board did not file a counter but, filed a status report blissfully ignoring all that had hereto transpired, with abject indifference to the allegations made in the affidavit filed in support of the petitions, or the copies of the various orders of this Court enclosed in the typed set of papers. The Executive Engineer proceeds to state that the Awards have been passed etc., which has least relevance at this point of the case.

7. The facts as presented by the petitioners are so self evident of their right to their claim, more so, when the counter of the respondent goes in a parallel track by disassociating it from the allegations made by the petitioners. This Court has little job to do then to allow these petitions. Even though Usharani, the petitioner in W.P.No.4624 of 2021 has only sought for an Mandamus to consider the representation dated 11.09.2020, given the factual scenario, to avoid any future litigation, this Court directs that she be granted patta without insisting on NOC.

8. In the result, both the Writ Petitions are allowed. The Tahsildar, Maduravoyal is directed to issue patta to the petitioners in WP.No.4624 of 2021 and WP.No.6280 of 2021 as concerning their respective properties without insisting on any NOC from the Tamil Nadu Housing Board, if they are otherwise eligible, within four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



tsg

To:

- 1.The Tahsildar,  
Maduravoyal Taluk,  
Gangayamman Koil Street,  
Alappakkam,  
Chennai - 600 116.
- 2.The Managing Director,  
Tamil Nadu Housing Board,  
No.493, Anna Salai,  
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- 6.The Tahsildar,  
Maduravayal Taluk,  
Maduravayal,  
Thiruvallur District.

+1cc to Mr.Ilayaperumal, Advocate Sr.36914

W.P.Nos.4624 & 6280 of 2021

mg[co]  
srg 12/08/2021