



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.1595 OF 2016

K.J.Bharatha

... Petitioner

.Vs.

1. The District Revenue Officer,
Krishnagiri.
2. The Special Tahsildar,
Town Settlement Office,
Royakottai Road,
Hosur, Krishnagiri District.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Bagalur Road,
Hosur - 635 109.
4. The Special Tahsildar (LA),
Tamil Nadu Housing Board,
Bagalur Road,
Hosur, Krishnagiri District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the second respondent in Na.Ka.157/2014(A) dated 16.12.2015 quash the same and consequently direct the second respondent to issue patta to the petitioner in respect of House site bearing plot No.2 comprised in Survey No.527/1A1, T.S.Nos.47, 48 and 49, Ward No.A, Block No.15, Teachers Colony, Hosur village, Krishnagiri District within the time to be stipulated by this Court.

For Petitioner : Mr.T.Vedi

For Respondents: Mr.M.R.Gokul Krishnan
Government Advocate
(for R-1 and R-2)
: Dr.R.Gowri (for R-3)



O R D E R

This petition has been filed seeking to quash the proceedings Na.Ka.157/2014(A) dated 16.12.2015 on the file of the second respondent and consequently direct the second respondent to issue patta to the petitioner in respect of House site bearing plot No.2 comprised in Survey No.527/1A1, T.S.Nos.47, 48 and 49, Ward No.A, Block No.15, Teachers Colony, Hosur village, Krishnagiri District within the time to be stipulated by this Court.

2. The case of the petitioner is that she purchased the vacant house site bearing plot No.2, ad-measuring 1000 sq.ft comprised in Survey No.527 situated at Hosur Town by the registered sale deed dated 21.04.1995, vide document No.2125 of 1995. After her purchase, the same was sub-divided as 527/1A1, 1A2 etc. Thereafter, she came to know about the acquisition proceedings in respect of the land comprised in S.No.527. In fact, her vendor already challenged the acquisition proceedings and obtained stay of taking possession of the land. Subsequently, some of the land owners submitted their representations for re-conveyance, since the scheme itself has been abandoned in view of prolonged litigations. Further, the case of the petitioner is that the entire land acquisition proceedings have lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as 'the New Act' for short). The compensation amount has not been deposited and the possession of the land was also not yet taken by the respondents. Similarly placed persons already filed Writ Petitions before this Court and the respondents were directed to consider the request and pass orders in respect of issuance of patta. Accordingly, the enquiry was conducted and they were issued patta. Therefore, the petitioner also sent a representation requesting the respondents to issue patta or No objection Certificate certifying that the lands purchased by her are not under the land acquisition proceedings. It was not considered and as such, the petitioner was constrained to file a Writ Petition before this Court in W.P.No.16966 of 2014 and this Court by an order dated 16.02.2015, directed the second respondent therein to consider her representation and pass orders on merits and in accordance with law. After conducting the enquiry, the second respondent passed order and rejected the request of the petitioner for the reason that the notice was issued to the fourth respondent and no reply was received.

3. It is further stated that there is no evidence to show that the subject land was handed over to the fourth respondent and the compensation was also deposited in the Civil Court. Therefore, the second respondent rejected the request made by



the petitioner. When there is no representation from the fourth respondent in respect of taking possession of the land and payment of compensation, the second respondent ought to have allowed the request made by the petitioner. However for these reasons, the second respondent rejected the representation submitted by the petitioner. On this ground alone, the impugned order is liable to be set aside.

4. In view of the above discussion, the impugned order dated 16.12.2015 is set aside. Accordingly this Writ Petition is allowed. The matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to issue notice to the petitioner as well as the third and fourth respondents herein, after giving full opportunity of hearing and pass orders on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kv

To

1. The District Revenue Officer,
Krishnagiri.
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3. The Executive Engineer,
Tamil Nadu Housing Board,
Bagalur Road, Hosur - 635 109.
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Bagalur Road, Hosur, Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.45658

+1cc to the Government Pleader, S.R.No.45539

W.P.No.1595 of 2016

AD(CO)

CS/12/10/2021