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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.24726 OF 2016

1. N.S.Mani Maran (deceased)
2. N.M.Durga
3. N.M.Ramachandra
4. N.M.Madhava Krishna
(Petitioners 3 and 4 minor, represented
by his mother and natural guardian
N.M.Durga)
(P2 to P4 substituted as LRs
of deceased sole petitioner vide
order dated 29.06.2021 made in
WMP No.20065 of 2020 in
WP.No.24726 of 2016)

... Petitioners

Vs

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Taluk Office,
Gudiyatham Taluk,
Gudiyatham.

3.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the entire records in respect of the order passed by the Tahsildar, Gudiyatham in Na.Ka.No.1893/AA2/2016 dated 21.06.2016 issued by the second respondent and to quash the same and also to direct the second respondent to carry out the amendments in revenue records in respect of the petitioner's property in survey No.56/2, (Kondasamuthiram Village, Gudiyatham Taluk) and transfer the patta in the name of the petitioner.



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For Petitioner : Mr.D.Rajagopal
For R1 & R2 : Mr.RichardsonWilson
Government Advocate
For R3 : Mr.S.Vanchinathan
Standing Counsel

ORDER

This Writ Petition has been filed to issue a writ of Certiorarified Mandamus, calling for the records in repect of the order passed by the Tahsildar, Gudiyatham in Na.Ka.No.1893/AA2/2016 dated 21.06.2016 issued by the second respondent and to quash the same and also to direct the second respondent to carry out the amendments in revenue records in respect of the petitioner's property in survey No.56/2, (Kondasamuthiram Village, Gudiyatham Taluk) and transfer the patta in the name of the petitioner.

2. The case of the petitioner is that he owned the property comprised in survey No.56/2 to an extent of 3 acres 3 cents. In the year 1985, the Special Tahsildar initiated the land acquisition proceedings to acquire the petitioner's land for the purpose of housing board and issued 4(1) notification. However, the petitioner challenged the acquisition proceedings before this Court in W.P.No.27156 of 2009. This Court by an order dated 07.04.2016 quashed the acquisition proceedings on the ground that the provisions of Section 24(2) of the Act 30 of 2013 would be attracted in the facts and circumstances of the case as possession continues to remain with the petitioner. Consequent to the order passed by this Court, the petitioner submitted a representation, requesting the second respondent to transfer the patta to the petitioner's name and carry out the amendment in the revenue records. The second respondent rejected the request made by the petitioner by an impugned order dated 21.06.2016 for the reason that the petitioner ought to have obtained 'No Objection Certificate' from the third respondent herein.

3. Admittedly, the respondents did not prefer any appeal against the order passed by this Court in W.P.No.27156 of 2009 and it became final. Therefore, the petitioner is entitled to register the patta in his name and also entitled for mutation of records in his favour. However, the third respondent has to issue no objection certificate, so that the second respondent will transfer the patta in favour of the petitioner and accordingly mutate the revenue records in his favour.

4. In view of the above, the impugned order passed by the second respondent is hereby set aside. However, the third respondent is directed to issue 'No Objection Certificate' for



issuance of patta in favour of the petitioner in respect of the property comprised in Survey No.56/2 to an extent of 3 acres 3 cents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to issue patta in favour of the petitioner and mutate all the revenue records in favour of the petitioner in respect of the said property within a period of two weeks, thereafter.

5. With the above directions, the Writ Petition stands allowed. No cost.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Taluk Office,
Gudiyatham Taluk,
Gudiyatham.

3.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 35.

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.42565
+1cc to the Government Pleader, S.R.No.42699

W.P.No. 24726 of 2016

PM(CO)
PM/21/09/2021