



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13600 of 2019

and

W.M.P.No.13681 of 2019

1. G.Neethirajan
2. G.Chitra Devi
3. G.Tamilvel (Deceased)
4. N.Nisha
5. T.Arya

Minor being represented by Mrs.Nisha,
his Natural Guardian

[P4 and P5 substituted as LRs of deceased 3rd petitioner
vide order dated 27.10.2021 made in W.M.P.No.23245/2021
in W.P.No.13600/2019]

... Petitioners

Vs

1. The Revenue Divisional Officer,
The Revenue Divisional Office,
Hosur Taluk,
Krishnagiri District.
2. The Thasildar,
Hosur Taluk,
Krishnagiri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to transfer the Patta for the property situated at Survey No.844/1A1, measuring Acre 0.50 cents in Chennathur Village, Hosur Taluk, Krishnagiri District in the name of the petitioners.

For Petitioners : Mr.G.Abraham Prabhu

For Respondents : Mr.A.Selvendran
Special Government Pleader



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to transfer the Patta for the property situated at Survey No.844/1A1, ad-measuring Acre 0.50 cents in Chennathur Village, Hosur Taluk, Krishnagiri District in the name of the petitioners.

2. The mother of the petitioners 1 to 3 purchased the property comprised in S.No.844/1A1, ad-measuring an extent of 50 cents situated at Chennathur Village, Hosur Taluk, Krishnagiri District by the registered sale deed dated 26.10.1978, vide Document No.3260 of 1978. After her demise, the petitioners 1 to 3 derived title over the property. While that being so, in the year 2009, the Housing and Urban Development Department had issued a letter to take possession of the said property, after a period of 15 years from the date of initiation of acquisition proceedings. Therefore, the petitioners 1 to 3 herein are challenging the acquisition proceedings before this Court in W.P.No.19582 of 2010 and this Court quashed the entire acquisition proceedings in respect of the subject property, by order dated 12.12.2017. On the strength of the same, the petitioners 1 to 3 applied for issuance of patta before the second respondent. In fact, while pending the Writ Petition, the second respondent inspected the property and sub-divided the same as per the document submitted by the petitioners 1 to 3. Even then, the second respondent did not issue patta to the petitioners.

3. The second respondent filed counter affidavit from which, it reveals that the land comprised in S.No.844/1A ad-measuring an extent of 50 cents situated at Chennathur Village, Hosur Taluk, Krishnagiri District, stood in the name of the Tamil Nadu Housing Board, which was acquired for the provisions of construction of houses to needy people of Hosur Town by the Special Tahsildar (Land Acquisition) (Neighbour Scheme), Hosur. Therefore, to consider the request of the petitioners 1 to 3, they have to get No objection Certificate from the Housing Board for further course of action.

4. However, on a perusal of the records, it reveals that the petitioners 1 to 3 and along with other owners were jointly issued patta in Patta No.10255 after quashment of the acquisition proceedings in respect of the land comprised in S.No.844/1A1 measuring 50 cents of Chennathur North Revenue Village. After considering the request made by the petitioners 1 to 3, the second respondent inspected the subject property and



sub-divided the same and also issued FMB Sketch.

5. Considering the above facts and circumstances, the second respondent is directed to conduct enquiry on the request made by the petitioners on the basis of the quashment of the acquisition proceedings in W.P.No.19582 of 2010 by order dated 12.12.2017 and after issuance of notice to the petitioners and counter parties, if any and after giving opportunity of hearing to them, pass orders to issue patta in favour of the petitioners within a period of eight weeks thereafter.

6. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
The Revenue Divisional Office,
Hosur Taluk,
Krishnagiri District.
2. The Thasildar,
Hosur Taluk,
Krishnagiri District.

+1cc to Mr.Abraham Prabhu, Advocate SR.No.61419
+1cc to the Government Pleader SR.No.61939

W.P.No.13600 of 2019

PL(CO)
GN(13/12/2021)