



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.14575 of 2021

T.Kamaladevi

... Petitioner

Vs

1.The Tahsildar,
Maduravoyal Taluk,
Phase-II, 2nd Main Road,
Nolambur, Chennai 600 095

2.Tamilnadu Housing Board,
Rep.by its Managing Director,
493, Anna Salai,
Nandanam,
Chennai 600 035

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to process the petitioner's application for patta dated 18.06.2021 and grant patta for the petitioner's plot bearing No.195-A (Eastern portion of plot No.195), situated at 17th Street, Chowdry Nagar, Valasaravakkam, Chennai 600 087 measuring an extent of 1200 sq.ft. comprised in survey No.165/3 (part), Valasaravakkam Village, Maduravoyal Taluk, Chennai District, without insisting no-objection from the second respondent within a time frame as may be fixed by this Court.

For Petitioner : Mr.Umesh Rao.K
for Mr.K.Karthik Jagannath

For Respondents
For R1 : Mr.S.Rajesh,
Government Advocate

For R2 : Mr.M.Baskar,
Standing Counsel



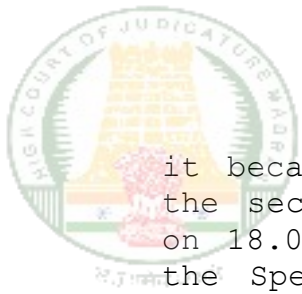
ORDER

This writ petition is filed for direction directing the first respondent to process the petitioner's application for patta dated 18.06.2021 and grant patta for the petitioner's plot bearing No.195-A (Eastern portion of plot No.195), situated at 17th Street, Chowdry Nagar, Valasaravakkam, Chennai 600 087 measuring an extent of 1200 sq.ft. comprised in survey No.165/3 (part), Valasaravakkam Village, Maduravoyal Taluk, Chennai District, without insisting no-objection from the second respondent within a time frame as may be fixed by this Court.

2. Heard, Mr.Umesh Rao.K, the learned counsel for the petitioner, Mr.S.Rajesh, Government Advocate appearing for the first respondent, and Mr.M.Baskar, Standing Counsel appearing for the second respondent.

3. The petitioner purchased the plot bearing No.195-A (Eastern portion of Plot No.195) situated at 17th Street, Chowdry Nagar, Valasaravakkam, Chennai 600 087 measuring an extent of 1200 sq.ft. comprised in survey no.165/3(part), Valasaravakkam Village, Maduravoyal Taluk, Chennai District from one V.Krishnaraj by registered sale deed dated 11.02.2015 vide document No.873 of 2015 in the Sub Registrar Office, Virugambakkam. Her vendor purchased the said property from one, Venkanna Chowdary Charities by registered sale deed dated 15.12.1987 vide document No.4535 of 1987. The said Venkanna Chowdary Charities had purchased a larger extent of the property comprised in survey no.165 by the registered sale deed dated 17.11.1961 vide document No.540 of 1961 and formed layout. The said layout was duly sanctioned and approved by the competent authority in the year 1968 itself vide LPD/DTP No.38/1968 in the name of 'Chowdry Nagar Layout'. After purchase of the said property, the petitioner approached the first respondent for patta and he was informed that patta could not be issued since the subject property was already under acquisition proceedings by the second respondent. Hence, the petitioner approached the second respondent and informed that already acquisition proceedings was initiated, however it was quashed by this Court.

4. On perusal of the records, revealed that the erstwhile owner challenged the acquisition proceedings i.e. Venkanna Chowdary Charities in WP.No.3693 of 1986 before this Court and by order dated 08.10.1991, this Court quashed the acquisition proceedings. It was confirmed by the Hon'ble Division Bench of this Court in WA.No.662 of 1994 by order dated 25.01.1995. Thereafter, the second respondent did not prefer any appeal and



it became final. It is also evident from the communication of the second respondent dated 20.10.1992 and 28.12.2017, finally on 18.02.2019. In fact, by the communication dated 08.01.2020, the Special Tahsildar (Land Acquisition) of Tamilnadu Housing Board stated that there is no record available with regards to revision or appeal as against the order dated 25.01.1995 in writ appeal in WA.No.662 of 1994. Therefore, there is absolutely no impediment for issuance of patta for the subject property purchased by the petitioner as per sale deed dated 11.02.2015.

5. In view of the above, the first respondent is directed to issue patta in respect of the petitioner's plot bearing No.195-A (Eastern portion of plot No.195), situated at 17th Street, Chowdry Nagar, Valasaravakkam, Chennai 600 087 measuring an extent of 1200 sq.ft. comprised in survey No.165/3 (part), Valasaravakkam Village, Maduravoyal Taluk, Chennai District within a period of two weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is allowed. No order as to costs.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Tahsildar,
Maduravoyal Taluk,
Phase-II, 2nd Main Road,
Nolambur, Chennai 600 095.

2. The Managing Director,
Tamilnadu Housing Board,
493, Anna Salai,
Nandanam, Chennai 600 035.

+1cc to M/s.V.P.Sengottuvel, Advocate Sr.50
+1cc to the Government Pleader Sr.69824

WP.No.14575 of 2021

vsn II[co]
srg 11/01/2022