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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18948 of 2021

P.Venu

... Petitioner

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu 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, 2nd Avenue,
Chennai - 600 040.
4. The Special Tahsildhar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.
5. The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Thiruvallur District.
6. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Ervin Road,
Egmore,
Chennai - 600 008.



(R6 impleaded as per order
dated 26.11.2021 in
W.M.P.No.26139 of 2021
in W.P.No.18948 of 2021)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fifth respondent, The Tahsildar, Maduravoyal to issue the patta to the petitioner for the house site measuring 1425 sq.ft. having Survey Numbers 125/1, 125/2 and 125/3 in Nerkundram Village, Maduravoyal Taluk.

For Petitioner : Mr.A.Ilaya Perumal

For R1, R4 and R5 : Mr.Yogesh Kannadasan
Special Government Pleader.

For R2 and R3 : Mr.M.Baskar,
Standing Counsel.

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the fifth respondent, The Tahsildar, Maduravoyal to issue the patta to the petitioner for the house site measuring 1425 sq.ft. having Survey Numbers 125/1, 125/2 and 125/3 in Nerkundram Village, Maduravoyal Taluk.

2. Heard Mr.A.Ilaya Perumal, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1, 4 and 5 and Mr.M.Baskar, learned counsel appearing for the respondents 2 and 3.

3. The case of the petitioner is that the land owned by the petitioner ad-measuring 1802 sq.ft. comprised in Survey Nos.116, 117, 125/1, 125/2 and 125/3 situated at Nerkundram Village, Maduravoyal Taluk by the registered sale deed, dated 30.08.2006 registered vide Document No.4670 of 2006. When the petitioner approached the fifth respondent for issuance of patta for the subject land, he was informed that the subject land was acquired by the second respondent by the notification issued under Section 4(1) of the Land Acquisition Act, 1894 vide G.O.Ms.No.124, dated 08.05.1975 published on 11.06.1975. Subsequently, Section 6 declaration of the Land Acquisition Act, 1894 was also issued and published on 09.06.1978. The acquisition proceedings was challenged before this Court in W.P.No.8370 and 8371 of 1986 and by an order, dated 21.01.1988, quashed the notification issued under Section 4(1) and Section 6 declaration of the Land Acquisition Act, 1894.



4. In fact, the other adjacent land owners also challenged the acquisition proceedings in W.P.No.18379 of 1991 and by an order, dated 01.07.1999, this Court quashed the entire acquisition proceedings. In pursuant to the quashment of acquisition proceedings, the petitioner applied for patta for the subject property.

5. However, the third respondent filed a counter and stated that the subject property comprised in Survey Nos.125/2 and 125/3 are not covered in the writ petition as referred by the petitioner in W.P.No.18379 of 1991, dated 01.07.1999.

6. Considering the above submissions, the fifth respondent is directed to issue notice to the petitioner and the respondents 3 and 6, after verification of records and after giving them an opportunity of hearing, pass orders on merits for issuance of Patta as claimed by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600 035.
3. The Executive Engineer,
and Administrative Officer,
K.K.Nagar Division,
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C-48, T.N.H.B Commercial Complex,
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4. The Special Tahsildhar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.

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

6. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Ervin Road,
Egmore,
Chennai - 600 008.

+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No. 61657

+1cc to the Special Government Pleader, S.R.No. 62207

W.P.No.18948 of 2021

RP (CO)
CT/28/12/2021