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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.07.2021

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.18498 of 2019

R.Dhandapani

... Petitioner

-Versus-

1.Tamil Nadu Housing Board,
Rep. by its Managing Director,
No.331, Anna Salai,
Nandanam, Chennai 600 0035.

2.The District Revenue Officer,
Tiruppur District at Tiruppur-1.

3.The Tahsildar,
Dharapuram Taluk,
Dharapuram-638 656.
Tirupur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent and his subordinates to transfer the Patta in respect of the lands comprised in Old Survey Nos.359/1, 359/2 and 372/1 and 369, now, Town Survey Nos.16/1, 16/2, 21/1B1 with the total extent of 4.00 Acres situated at Chithiravuthanpalayam Village, Dharapuram Town, Tiruppur District, in the name of the petitioner in terms of the orders passed by this court in W.P.No.23492 of 2014 dated 05.04.2016 as confirmed in W.A.No.1261 of 2017 dated 12.10.2017.

For Petitioner : Mr.S.Parthasarathy,
Senior Counsel for
Mr.P.Dineshkumar

For Respondent(s) : Mr.Yogesh Kannadasan for
RR2 & 3
Dr.R.Gouri for R1



ORDER

[This matter has been heard through video conference]

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This writ petition has been filed seeking a direction to the 2nd respondent and his subordinates to transfer the Patta in the name of the petitioner in respect of the lands measuring an extent of 4 Acres comprised in Town Survey Nos.16/1, 16/2 and 21/1B1 (Old Survey Nos.359/1, 359/2, 372/1 and 369) at Chithiravuthanpalayam Village, Dharapuram Town, Tiruppur District, in terms of the orders passed by this Honorable Court in W.P.No.23492 of 2014 dated 05.04.2016 as confirmed in W.A.No.1261 of 2017 dated 12.10.2017.

2. The petitioner claims to be the owner of the above said land having purchased the same by way of registered sale deed. Earlier, the above said land was sought to be acquired by the Government for Tamil Nadu Housing Board Neighbourhood Scheme and a land acquisition proceedings was initiated against the vendor of the petitioner. Challenging the same, the vendor of the petitioner filed a writ petition in W.P.No.23492 of 2014 before this court which was allowed on 05.04.2016. Aggrieved by the same, the Tamil Nadu Housing Board preferred a writ appeal in W.A.No.1261 of 2017 which was also dismissed on 12.10.2017. Subsequently, the Special Leave Petition filed by the Housing Board in Diary No.33996 of 2019 was also dismissed by the Honourable Supreme Court on 14.02.2020 for default and as such the land acquisition proceedings stood set aside. In the above circumstances, the respondents 2 and 3 are required to grant patta, but, so far the application of the petitioner for grant of patta has not been considered. Hence, the present writ petition.

3. The learned counsel appearing for the petitioner submitted that after the disposal of the Special Leave Petition in Diary No.33996 of 2019 on 14.02.2020 for default of the petitioner herein, the order of this Court in W.P.No.23942 of 2014 dated 05.04.2016 setting aside the land acquisition proceedings has become final and thereafter, no fresh acquisition proceedings have been initiated by the respondents. Therefore, there is no impediment for the revenue authorities to grant patta in the name of the petitioner, but, they deliberately prolonging the matter.

4. The learned Government Advocate appearing for the respondents 2 and 3 taking this court through a status report



filed earlier by the respondent submitted that SLP was pending. The learned Government Advocate, however, on instructions, addressed that the SLP in Diary was dismissed long ago.

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5. The learned counsel appearing for the 1st respondent board has also submitted that SLP in Diary was dismissed for default. At this juncture, the learned counsel appearing for the petitioner submitted that the application filed by the 1st respondent Board seeking permission to restore the SLP in Diary was also rejected on 17.03.2020.

6. Considering the fact that land acquisition proceedings was set aside by this court and no fresh acquisition proceedings has been initiated by the State and the other facts and circumstances of the case, this court directs the 3rd respondent to consider the application of the petitioner for grant of patta for the property in question in his name, without insisting for any No Objection Certificate from the 1st respondent Board and pass appropriate orders thereon within a period of twelve weeks from the date of receipt of a copy of this court. The petitioner is directed to approach the 2nd respondent and produce a copy of order of this court in W.P.No.23492 of 2014 dated 05.04.2016 and in W.A.No.1261 of 2017 dated 12.10.2017 and also a copy of the order passed by the Honourable Supreme Court. This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

kmk

To

1. The Managing Director,
Tamil Nadu Housing Board,
No.331, Anna Salai,
Nandanam,
Chennai 600 0035.



2. The District Revenue Officer,
Tiruppur District at Tiruppur-1.

3. The Tahsildar,
Dharapuram Taluk,
Dharapuram-638 656.

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.32242

+1cc to the Government Pleader, S.R.No.32600

Writ Petition No.18498 of 2019

GSM(CO)
SU(17/08/2021)