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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM

THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P.No.20448 of 2020

Sajeev Vasudevan

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.

2.The District Collector,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai - 600 001.

3.The District Revenue Officer,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai - 600 001.

4.The Revenue Divisional Officer,
Mambalam Guindy Taluk Office,
Chennai District,
Chennai.

5.Tahsildar,
Mambalam Guindy Taluk Office,
Bharathidasan Road,
Ashok Nagar, Chennai - 600 083.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to issue No Objection Certificate and also directing the 5th respondent to issue patta to the petitioner's land in respect of his land admeasuring 2524 sq.ft., comprised in old S.No.29/1, T.S.No.29/7 and New Survey No.2/1, situated at Mambalam Village, Mambalam Guindy Taluk, Chennai.



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For Petitioner : Mr.S.Mohanavadivelan
For Ms.V.Yamuna Devi

For Respondents : Mr.K.M.D.Muhilan
RR 2 To 5 (Govt.Advocate)

For R1 : Mr.M.Baskar

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a writ to be issued to the 1st respondent / Managing Director, Tamil Nadu Housing Board, Nandanam, to issue a No Objection Certificate and similarly direct the 5th respondent / Tahsildar, Mambalam Guindy Taluk, Chennai, to grant patta to the lands of the petitioner with respect to land measuring 2524 sq.ft. in old S.No.29/1, T.S.No.29/7 and new S.No.2/1 at Mambalam Village, Mambalam Guindy Taluk, Chennai.

2.In the affidavit filed in support of the said writ petition it had been stated that the petitioner and his elder brother and mother were the absolute owners of the land and building in Door No.49/21, C.I.T.Nagar, IV Main Road, Nandanam, Chennai - 600 035 bearing old S.No.29/1, T.S.No.29/7 and new S.No.2/1, Mambalam Village, Mambalam Guindy Taluk, Chennai. It had been stated that the father had purchased the said lands by way of Sale Deed dated 07.12.1972 which has been registered as Doc.No.1747 of 1972, registered in the office of the Sub-Registrar, T.Nagar, Chennai. It had also been stated that the settlement was part of a larger extent of land which had been purchased by one Krishnaveni Ammal, bearing old S.No.29/1 who had purchased it under public auction on 03.06.1938 held by the Collector of Chengalpet.

3.It is also stated that subsequently in the year 1952, the then Madras Government for the purpose of Mambalam South Area improvement scheme had acquired 3.58 acres and left out the land measuring 32 cents from acquisition. As stated the father of the petitioner had purchased 2524 sq.ft of land. The petitioner tried to get patta for the said land. There had been some difficulty in obtaining the same. The 5th respondent, Tashildar, had insisted No Objection Certificate being obtained from the 1st respondent, Tamil Nadu Housing Board.

4.A notice had been directed to the respondents. Heard V.Yamuna Devi learned counsel for the petitioner and Mr.M.Baskar, learned Standing Counsel for the Tamil Nadu Housing Board on behalf of the 1st respondent and Mr.K.M.D.Muhilan, learned Government for 3rd, 4th and 5th respondent.



5.The Government had initiated acquisition proceedings under the then City Improvement Trust to improve the Mambalam South area and it is stated that substantial portion in S.No.29/1 had been acquired. However, an area of 32 cents had not been acquired. It is the claim of the writ petitioner herein that the lands purchased by the father of the petitioner measuring about 2524 sq.ft did not fall within acquired portion. It is also claimed that other plot owners had been granted patta, but when the writ petitioner had approached the 5th respondent seeking patta, the 5th respondent had directed the writ petitioner to obtain No Objection Certificate from the Tamil Nadu Housing Board.

6.The award in the year 1952 is not available. It is not available either with the 1st respondent or with the 2nd to 5th respondents. It would be a futile exercise trying to locate the award to determine whether the land for which patta is sought by the petitioner was the subject matter of acquisition or was the left out in the course of acquisition.

7.The revenue records do not reflect the correct picture. The revenue officials claims helplessness over knowledge of the fact whether the specific property namely 2524 sq.ft was the subject matter of acquisition or not.

8.Though counter affidavit and status report had been filed on behalf of the respondents, my attention has been drawn to the order of the 4th respondent / Revenue Divisional Officer, Chennai, wherein, after examining the petition given by the petitioner, by an order dated 31.01.2020 in Na.Ka.No.1571/2019/A5 had issued a direction to the Tashildar, Mambalam Guindy Taluk that in accordance with the documents submitted by Tmt.Sunethra Vasudevan, the mother of the petitioner herein, patta can be granted in the name of said Tmt.Sunethra Vasudevan.

9.A positive direction in that regard had been issued to the Tashildar who is the 5th respondent herein. Since the Tashildar is under an obligation to issue patta, let patta be granted to Tmt.Sunethra Vasudevan as directed by the 4th respondent, Revenue Divisional Officer.

10.The said direction is issued by me because, neither the 1st respondent nor the 2nd to 5th respondents have records with respect to the specific 2524 sq.ft of land, for which the petitioner had sought patta.

11.Therefore, a direction is issued to the 5th respondent, Tashildar to re-examine the records, the directions of the 4th respondent/Revenue Divisional Officer and pass necessary orders



granting patta and if it is again declined, give necessary reasons for the same, but at any rate, pass orders within a period of twelve weeks from the date of receipt of a copy of this order. The 5th respondent, Tashildar may keep in mind the direction of the 4th respondent who apparently had examined all the revenue records before issuing the order dated 31.01.2020.

12. With the said observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
2. The District Collector,
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5. Tahsildar,
Mambalam Guindy Taluk Office,
Bharathidasan Road,
Ashok Nagar, Chennai - 600 083.

+1cc to Mr.M.Baskar, Advocate, S.R.No.39175
+2cc to Mr.S.Mohanavadivelan, Advocate, S.R.No.38911
+1cc to the Government Pleader, S.R.No.39472

W.P.No.20448 of 2020

PL(CO)
CT(02/09/2021)