



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.9860 of 2017
and WMP.No.10848 of 2017

B.Dharmalingam

... Petitioner

Vs

1. The Tamilnadu Housing Board represented
by its Managing Director,
Anna Salai, Nandanam,
Chennai 600 035

2. The Manager,
(Marketing Service),
Housing Unit,
Tamilnadu Housing Board,
Bagalur Road,
Hosur,
Krishnagiri District

3. The Special Tahsildar,
Town Settlement Office,
Royakottai Road,
Hosur,
Krishnagiri District

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent relating to the proceeding in O.Mu.No.233/2016 dated 30.11.2016 quash the same and consequently direct the third respondent to issue Patta to the petitioner for the land to an extent of 213.60 sq.mt. bearing plot No.HIG(II)-1056, comprised in Survey No.874 part of Hosur Village, Krishnagiri District within the time to be stipulated by this Court.

For Petitioner : M/s.T.Vedi

For RR1 & 2 : Dr.R.Gouri

For R3 : Mr.M.R.Gokul Krishnan
Government Advocate



ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent relating to the proceeding in O.Mu.No.233/2016 dated 30.11.2016 and quash the same and consequently direct the third respondent to issue Patta to the petitioner for the land to an extent of 213.60 sq.mt. bearing plot No.HIG(II)-1056, comprised in Survey No.874 part of Hosur Village, Krishnagiri District.

2. The Government has acquired land comprised in survey No.874 situated at Hosur Village for the development of housing plots by the first respondent and handed over vacant possession to the first respondent. Pursuant to the same, the Housing Board i.e. the first respondent obtained sanctioned plan for Hosur Phase XVI, Hosur Neighbourhood Scheme and developed the said land and divided into house plots. The petitioner has purchased to an extent of 213.60 sq.mtrs. bearing No.HIG(II)-1056 comprised in survey No.874 part of Hosur Village on 27.07.2007 under the lease cum sale agreement by the first respondent. The total cost of the building is fixed at Rs.4,80,600/- which includes cost of the plot and development charges. The petitioner has remitted the entire amount and the first respondent through the second respondent executed sale deed in his favour dated 04.07.2013 registered vide document No.9788 of 2013 at the Office of the Sub Registrar, Hosur. After purchase, the petitioner applied for patta to the third respondent on 11.04.2016 and also has remitted necessary charges for subdivision and issuance of patta. However, the third respondent rejected the application stating that the land in survey No.874 has been classified as poramboke land and hence patta cannot be issued.

3. While pending the writ petition, the Government passed GO.Ms.No.101 Revenue & Disaster Management Department dated 15.04.2019, thereby decided to accept the proposal of the District Collector, Krishnagiri as recommended by the Additional Chief Secretary / Commissioner of Land Administration and accordingly ordered to alienate the land in S.No.874 to an extent of 1.56.3 hectares classified as 'Government poramboke - Meikkal' in Hosur village and Taluk, Krishnagiri District in favour of Tamilnadu Housing Board as per the RSO 24 on collection of land cost as fixed in G.O.(Ms) No.67, Housing & Urban Development Department, dated 23.03.2010.

4. Accordingly, the first respondent complied the condition imposed by the Government of Tamilnadu and now by the proceedings dated 24.05.2019 on the file of the District Collector, Krishnagiri District, the entire extent of land comprised in survey No.874 admeasuring 1.66.50 hectares



classified as 'meikkal poramboke' and excluded the land admeasuring 0.10.20 hectares classified as vari and handed over to the first respondent and directed to reclassify the land in favour of Tamilnadu Housing Board.

WEB COPY

5. In view of the above, the impugned order dated 30.11.2016 is set aside. The third respondent is directed to sub-divide the subject land and issue patta in favour of the petitioner as per the sale deed dated 04.07.2013 forthwith.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Managing Director,
Tamilnadu Housing Board represented
Anna Salai, Nandanam,
Chennai 600 035.
2. The Manager,
(Marketing Service),
Housing Unit,
Tamilnadu Housing Board,
Bagalur Road,
Hosur, Krishnagiri District.
3. The Special Tahsildar,
Town Settlement Office,
Royakottai Road,
Hosur,
Krishnagiri District.

+1cc to M/s.V.Ayyapparaja, Advocate Sr No.54860
+1cc to the Government Pleader Sr No.55397

WP.No.9860 of 2017

PMK (CO)
PR (18/11/2021)