



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.2818 of 2022

C.Jayaraman

... Petitioner

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamilnadu,
Secretariat,
Chennai 600009.
2. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai 600035.
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 600040.
4. The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.
5. The Tahsildar,
Maduravoyal Taluk,
Gangayamman Koil Street,
Alappakkam,
Chennai 600116.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fifth respondent to consider the petitioner's application No.2021/0105/02/272435 dated 21.10.2021 and to issue the patta



WEB COPY

to the petitioner for his property situated in S.No.371/4, Plot NO.111, Sokkalingam Naicker Street, Nerkundram Village, Maduravoiyal Taluk measuring to an extent of 1750 sq.ft.

For Petitioner : Mr.M.Prem Kumar
For Respondents : Mr.G.Nanmaram
Special Government Pleader

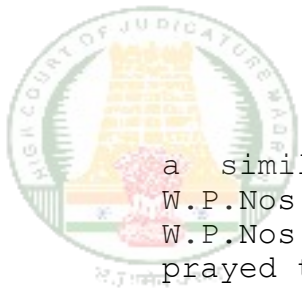
O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the fifth respondent to consider the petitioner's application No.2021/0105/02/272435 dated 21.10.2021 and to issue the Patta to the petitioner for his property situated in S.No.371/4, Plot NO.111, Sokkalingam Naicker Street, Nerkundram Village, Maduravoiyal Taluk, measuring an extent of 1750 sq.ft.

2. The learned Special Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the absolute owner of the house in Survey No.371/4, Plot No.111, Sokkalingam Naicker Street, Nerkundram Village, Thiruvallore District of an extent of 1750 Sq.ft. Originally, one Kuppusamy executed a sale deed in favour of petitioner, vide Document No.6515 of 2014, dated 26.09.2014, in the Office of SRO, Virugambakkam. The Tamil Nadu Housing Board, with an intention to acquire the above said land among others, had issued Notification under Section 4(1) of the Land Acquisition Act 1894 vide, G.O.Ms.No.124, Housing Department dated 08.05.1975 on 11.06.1975. Subsequently, declaration under Section 6 of the act was also issued, which was published on 09.06.1978. One Ponnammal, wife of Venkasamy Naicker challenged the above said acquisition proceedings before this Court in W.P.No.8371 of 1986 and this order dated 21.01.1986, quashed the Declaration issued under Section 6 of the Act. Thereafter, they did not conduct any fresh enquiry under Section 5A of the Act. Even after lapse of several years she again moved W.P.No.18379 of 1991 and ultimately, this Court quashed the entire notification issued under Section 4(1) of the act, thereby, the entire acquisition proceedings initiated by the Tamil Nadu Housing Board stood vitiated and the patta proceedings are still pending. But, till date no orders have been passed. Hence, this Writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that in



a similar circumstances this Court had issued orders in W.P.Nos.17484 to 17493 of 2017 dated 04.09.2017 and in W.P.Nos.8979, 8980 and 9105 of 2018 on 16.09.2018. Hence, he prayed this Court for passing similar orders.

WEB COPY

5. The learned Special Government Pleader appearing on behalf of the official respondents submits that the petitioner's representation dated 21.10.2021 will be considered by the fifth respondent within the time frame that may be fixed by this Court.

6. Considering the facts and circumstances, the fifth respondent is directed to consider the petitioner's representation dated 30.09.2019 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamilnadu,
Secretariat,
Chennai 600009.
2. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai 600035.
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 600040.



4. The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.

WEB COPY

5. The Tahsildar,
Maduravoyal Taluk,
Gangayamman Koil Street,
Alappakkam,
Chennai 600116.

+1cc to the Government Pleader, S.R.No.10757

W.P. No.2818 of 2022

JPL(CO)
CT 10/03/2022