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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.1093 of 2022

1. M.Shanthi
2. C.Alagesan
3. B.Sivalingam
4. C.Chandra
5. S.Kuppammal
6. P.Raji
7. E.Padma
8. E.Madan Mohan
9. E.Vijay
- 10.E.Priya

... Petitioners

Vs

1. The Tahsildar,
Maduravoyal Taluk,
Phase-II, 2nd Main Road,
Nolambur, Chennai 600 095
2. Tamil Nadu Housing Board,
Rep. by its Chairman & Managing Director,
Head Office at: CMDA Complex,
E&C Market Road, Koyambedu,
Chennai 600 107

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to process the petitioners' applications for patta dated 20.12.2021, 27.12.2021 & 29.12.2021 and grant patta for the petitioners' plots situated in the layout viz. 'Sri Lakshmi Nagar', Alwarthiru Nagar, Chennai 600 087 comprised in survey Nos.373/2A, 373/2B, 374/2 and 375 of Nerkundram Village, Maduravoyal Taluk, Chennai District without insisting no-objection from the second respondent within a time frame as may be fixed by this Court.

For Petitioners

: Mr.R.Hashwanth

For Respondents

For R1

: Mr.P.Baladhandayutham,
Special Government Pleader



ORDER

This writ petition is filed for direction directing the first respondent to process the petitioners' applications for patta dated 20.12.2021, 27.12.2021 & 29.12.2021 and grant patta for the petitioners' plots situated in the layout viz. 'Sri Lakshmi Nagar', Alwarthiru Nagar, Chennai 600 087 comprised in survey Nos.373/2A, 373/2B, 374/2 and 375 of Nerkundram Village, Maduravoyal Taluk, Chennai District without insisting no-objection from the second respondent within a time frame as may be fixed by this Court.

2. Heard, Mr.R.Hashwanth, the learned counsel for the petitioners, and Mr.P.Baladhandayutham, Special Government Pleader appearing for the first respondent.

3. The case of the petitioners is that the petitioners owned their respective plots comprised in survey Nos.373/2A, 373/2B, 374/2 and 375 situated at Nerkundram, Maduravoyal, Chennai District. A larger extent of the property comprised in the same survey numbers admeasuring 10.73 acres owned by one, Venkatasamy Naicker. After his demise, his legal heirs were in possession and enjoyment of the same. While being so, the second respondent intended to acquire the said land and under Section 4 (1) of the Land Acquisition Act, 1894, notification vide GO.Ms.No.124 dated 08.05.1975 was published on 11.06.1975. Thereafter Section 6 declaration was also issued and published on 09.06.1978. His wife Ponnammal challenged the acquisition proceedings in WP.No.8371 of 1986 and it was allowed thereby quashed the acquisition proceedings by order dated 21.01.1988. Thereafter the second respondent did not conduct fresh enquiry under Section 5A of the said Act and even after lapse of several years. Thereafter again, the said Ponnammal approached this Court in WP.No.18379 of 1991 seeking to quash the Section 4(1) notification published on 11.06.1975 in respect of the aforesaid land. It was allowed by order dated 01.07.1999 by this Court and quashed the entire acquisition proceedings initiated by the second respondent in respect of the entire extent of the land admeasuring 10.73 acres comprised in survey Nos.284/1A, 373/2A, 373/2B, 374/2 and 375 situated at Nerkundram Village. After demise of the said Ponnammal, the other legal heirs became owners of the said property and developed the same forming layouts in the name of 'Vinayagapuram', Nerkundram, Chennai and 'Sri Lakshmi Nagar', Alwarthirunagar, Chennai.

4. The petitioners have purchased their respective plots in the Sri Lakshmi Nagar for valid sale consideration by the registered sale deeds. They are in possession and enjoyment of the same by putting up their respective houses. Their houses are



also assessed to property tax and provided with all amenities such as water connection and electricity. When they approached the first respondent for issuance of patta for their respective plots, they were informed by the first respondent that their respective plots are under acquisition proceedings by the second respondent and the revenue records stand in the name of the second respondent in respect of the subject property.

5. Admittedly, aggrieved by the orders passed by this Court in WP.Nos.8371 of 1986 and 18379 of 1991, no appeal has been filed so far by the second respondent and the order passed by the learned Single Judge of this Court attained finality and the entire acquisition proceedings were quashed in respect of the subject property.

6. Considering the above, the first respondent is directed to process the petitioners' applications for issuance of patta in respect of the petitioners' plots situated in the layout viz. 'Sri Lakshmi Nagar', Alwarthiru Nagar, Chennai 600 087 comprised in survey Nos.373/2A, 373/2B, 374/2 and 375 of Nerkundram Village, Maduravoyal Taluk, Chennai District without insisting 'no objection certificate' from the second respondent and, after issuance of notice to the petitioners as well as the second respondent and giving them opportunity of hearing, pass orders to issue patta within a period of eight weeks from the date of receipt of copy of this order. It is made clear that if any appeal has been preferred by the second respondent and it lies without any interim order, patta will be issued subject to the result of the said appeal preferred by the second respondent.

7. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Maduravoyal Taluk,
Phase-II, 2nd Main Road,
Nolambur, Chennai 600 095



2. The Chairman & Managing Director,
Tamil Nadu Housing Board,
Head Office at: CMDA Complex,
E&C Market Road, Koyambedu,
Chennai 600 107.

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+1cc to Mr.K.Sree Ranjini, Advocate, S.R.No.5084

+1cc to the Government Pleader, S.R.No.5689

WP.No.1093 of 2022

KK(CO)
SU(10/02/2022)