

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16577 of 2015

and

M.P.No.1 of 2015

Lakshmi

... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Tahsildar,
Salem, Salem District.
3. The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit, Ayyanthirumaaligai,
Salem.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus Directing the respondents to change over the patta in the name of the petitioner in respect of lands situated in S.No.39/5 to the extent of 87 cents and S.No.39/8 to the extent of 91 cents in Kannankurichi Village Salem Taluk and District as per communication sent by the 1st respondent in his proceedings O.Mu.6332/2015/B3 dated 04.03.2015.

For Petitioner	: Mr.C.Prakasam
For RR1 and 2	: Mr.G.Krishna Raja
	Additional Government Pleader
For RR3	: Mr.D.Murugan

Order

The petitioner has filed this petition for issuance of writ of Mandamus directing the respondents to change over the patta in the name of the petitioner as per communication sent by the 1st respondent in his proceedings O.Mu.6332/2015/B3 dated 04.03.2015.

2. The case of the petitioner is that the petitioner is having own patta lands situated in S.F.No.39/5 to the extent of 87 cents and S.F.No.39/8 to the extent of 91 cents in Kannankurichi Village, Salem Taluk and District and in the year 1981, the Government of Tamil Nadu acquired the said lands for Tamil Nadu Housing Board along with others land, however the said lands were not utilized by the Tamil Nadu Housing Board. While so, some of the land owners approached the Government and got back their lands by way of exclusion of their lands from acquisition, but the petitioner's land had not been excluded from acquisition proceedings. Hence, the petitioner approached this Court for re-conveyance and filed W.P.No.44495 of 2006, whereby this Court directed the Housing Board to re-convey the said lands and now the Tamil Nadu Housing Board taking steps to reconvey the said lands and furthermore, the petitioner also approached the respondents for change over the patta in the petitioner's name and in this connection, the 1st respondent communicated to the 2nd respondent for taking further action on 04.03.2015, however till date no orders has been passed. Aggrieved by the same, the petitioner is before this Court.

3. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the official respondents submitted that as against order of this Court in W.P.No.44495 of 2006, a batch of Writ Appeal in W.A.Nos.1413 to 1432 of 2017 have been filed and this Court vide order dated 09.11.2017 has granted an order of stay and hence, prays for dismissal of this petition.

4. In view of the filing of Writ Appeals and pendency of stay therein, the prayer sought in the Writ Petition cannot be granted. However liberty is granted to the petitioner to make fresh claim before the appropriate authority, if the re-conveyance order was passed in the Writ Appeals.

5. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District, Salem.
2. The Tahsildar,
Salem, Salem District.
3. The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit, Ayyanthirumaaligai,
Salem.

+1cc to Mr.D.Murugan, Advocate, S.R.No.37907
+1cc to the Government Pleader, S.R.No.38834

W.P.No.16577 of 2015

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NSK/14/07/2022