

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.9212 of 2022

S. Jayachandran ... Petitioner

Versus

1. The Secretary to Government,
Housing and Urban Development Dept.,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

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 - 600 040.

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

5. The Tahsildar,
Maduravoyal Taluk,
Gangayamman Koil Street,
Alapakkam,
Chennai - 600 116.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 5th respondent to consider the petitioner's application No.2022/0105/02/276970, dated 14.03.2022 and to issue the patta to the petitioner for his property situated in Survey No.374/2 Patta No.22 in S. No.374/2B, Plot No.154, 2nd Cross Street, Sri Lakshmi Nagar, Nerkundram Village, Thiruvallore District of an extent of 510 sq. ft.

For Petitioner : Mr.M.Premkumar
For Respondents : Mr.A. Anandan,
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to the 5th respondent to consider the petitioner's application No.2022/0105/02/276970, dated 14.03.2022 and for issuance of patta in favour of the petitioner for his property situated in Survey No.374/2 Patta No.22 in S. No.374/2B, Plot No.154, 2nd Cross Street, Sri Lakshmi Nagar, Nerkundram Village, Thiruvallore District of an extent of 510 sq. ft.

2. It is the case of the petitioner that originally one Rani is the owner of the subject property and thereafter, he purchased the property and registered the same vide Document No.2057 of 2019, dated 11.02.2019 in the office of SRO, Virugambakkam and from that date onwards, he is in possession and enjoyment of the said property. It is averred that prior to his purchase, Tamil Nadu Housing Board has initiated proceedings for land acquisition by issuing Notification u/s 4(1) to acquire the subject land. Aggrieved over the said acquisition proceedings, his predecessor-in-title has filed writ petition in W.P. No.18379 of 1991 and obtained orders from this Court, quashing the entire acquisition proceedings vide order dated 01.07.1999.

3. Subsequent to his purchase, he submitted an application, dated 14.03.2022 before the 5th respondent for issuance of patta in his favour, but the same was not considered by him citing the aforesaid acquisition proceedings. Hence, this writ petition has been filed with the aforesaid prayer.

4. Learned counsel for the petitioner submitted that subsequent to filing of the writ petition by the petitioner's predecessor-in-title, the entire acquisition proceedings, earlier initiated by the Housing Board have been quashed by this

Court and therefore, the right of the petitioner as a subsequent purchaser, that too after quashment of acquisition proceedings, shall not be curtailed by the respondents. Hence, he submitted that, it would suffice if this Court issues direction to the respondent to consider the petitioner's application dated 14.03.2022, within a time frame that may be fixed.

5. Conceding with the submission of the learned counsel for the petitioner, Mr.A. Anandan, learned Government Advocate for respondents, on instructions submits that the petitioner has wrongly stated the survey as 374/2B instead of 374/2A1. He further submitted that the petitioner may be directed to submit rectification application to the 5th respondent and on such submission, the 5th respondent may be directed to consider and pass orders on merits and in accordance with law, within a time frame as fixed by this Court.

6. Recording the submissions made by the learned counsel on either side, this Court disposes of this writ petition by directing the petitioner to submit rectification application by mentioning the correct survey number before the 5th respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the rectification application, the competent authority shall consider the petitioner's application afresh and pass orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

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+1 cc to Government Pleader sr30962

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