



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.8804 & 8806 of 2022

1. LakshmiRamamoorthy ...Petitioner in W.P.No.8804 of 2022
2. S.Usha Devi ...Petitioner in W.P.No.8806 of 2022

Vs

1. The District Collector,
First Floor, Tiruvallur District Collectorate,
Thiruvallur -602 001.
2. The Tahsildar,
Maduravoyal Taluk,
Bharathi Salai,
Nolambur Phase II,
PIN-600037.
3. Tamil Nadu Housing Board,
Rep.by its Managing Director,
No.493, Anna Salai,
Nandanam,Chennai-600035. ...Respondents in both WPs

PRAYER (in both WPs): Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus or any other appropriate writ or order in the nature of direction and direct the first Respondent and Second Respondents to consider the Petitioner's letters dated 18.10.2021 and 23.12.2021 for issuance of Patta in the name of the Petitioner in respect of Petitioner's land in Plot No.52, 51 comprised in Survey No.5/4 part, EVP Sapthagiri Nagar, Porur Village, then Saidapet Taluk, then Chengalpattu District and now Maduravoyal Taluk and Chennai Rural District, totally measuring about Acre 0.055 cents or about 2400 Sq.Ft, Acre 0.0733 cents or about 3200 square feet within the Sub Registration District or Kunrathur and Registration district or Chennai south without insisting for No Objection Certificate from the 3rd Respondent.

In Both WPs:

For Petitioner ... M/s. Duraikkan S.Phillip

For Respondents ... Mr. R.P.Murugan Raja,
Government Advocate.



O R D E R

The present petitions have been filed seeking a direction to the 1st Respondent to consider and pass orders on the petitioners' representation dated 18.10.2021 & 23.12.2021 seeking issuance of patta in respect of the subject lands, within the time that may be stipulated by this Court.

2.It is the case of the petitioners that, originally they purchased the lands in Plot No.52 & 53, comprised in Survey No.5/4 part, EVP Sapthagiri Nagar, Porur Village, then Saidapet Taluk, then Chengalpattu District of Chennai South, by way of a registered Sale Deed from one vendor. The said Vendor had sold the properties to the petitioners, suppressing the fact that the land acquisition proceedings are pending in respect of the subject properties. Though the said Land Acquisition Proceedings were quashed by this Court vide order dated 04.10.1996 in W.P.No.8530 of 1986, the patta was neither transferred in favour of the vendor nor in favour of the petitioners. When the petitioners made an application for transfer of patta in the name of the petitioners, before the 2nd respondent, the said application was rejected, directing the petitioners to obtain the No Objection Certificate from the 3rd respondent herein. There is no necessity to obtain NOC for transfer of patta as the Land Acquisition Proceedings had already been quashed, the petitioners made representations before the 1st Respondent herein, seeking transfer of patta in the name of the petitioners in respect of the said lands. However, till date, the said representations have not been considered. Hence, the present petitions are filed seeking the aforesaid relief.

3.Learned counsel for the petitioners submits that, the Land Acquisition proceedings in respect of the subject properties were quashed by this Court and no appeal was preferred against the said order. However, the patta was neither transferred in favour of the vendor nor in favour of the petitioner and the petitioner was directed to obtain NOC from the 3rd respondent which is wholly erroneous and perverse. Hence, this Court may issue a direction to the Respondents herein to consider the representations made by the petitioners and issue patta, without insisting for the No Objection Certificate, within the time frame fixed by this Court.

4.Learned Additional Government Pleader appearing for respondents 1 & 2 submits that patta will be transferred in the name of the petitioners if the documents are otherwise in order.

5.In view of the submission of the learned counsel for the petitioner and upon perusal of the materials available on record, this Court is of the opinion that though the Land



Acquisition Proceedings in respect of the lands of the petitioners were quashed by this Court and no appeal has been preferred against the said order, yet for reasons best known to the 2nd respondent/Tahsildar, the 2nd respondent has directed the petitioner to obtain the "No Objection Certificate" from the 3rd respondent. The reluctance on the part of the 2nd respondent/Tahsildar to issue patta in favour of the petitioners without any valid reason cannot be said to be mere act of ignorance. However, it is the duty of the respondents herein to redress the grievance of the public when the representations are being made through proper channel along with relevant records. Once the Land Acquisition proceedings is quashed, which has been brought to the knowledge of the 2nd Respondent, the act of the 2nd Respondent in directing the petitioner to obtain NOC from the 3rd respondent is wholly perverse. This Court is at a loss to understand as to what prevailed upon the 2nd respondent to direct the petitioner to obtain NOC from the 3rd respondent. However, Judicial Propriety demands this Court to proceed no further.

6. In view of the stand taken by the learned Special Government Pleader and the 2nd Respondent/Tahsildar who appeared before this Court and submits that the patta will be granted in favour of the petitioners herein, within the time stipulated by this Court, if the same is otherwise in order, this Court directs the 2nd respondent/Tahsildar to issue patta in favour of the petitioners, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, these Writ Petitions are disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,
First Floor, Tiruvallur District Collectorate,
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2. The Tahsildar,
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Nolambur Phase II, PIN-600037.



3. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600035.

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+4cc to Mr.Duraikkan S.Philip, Advocate, S.R.No.30043, 30044
+1cc to the Government Pleader, S.R.No.30861

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SR-II(CO)
RGA(01/06/2022)