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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.19275 of 2021

Sheik Dawood

... Petitioner

Vs

1.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamilnadu,
Secretariat,
Chennai 600 009

2.The Managing Director,
Tamilnadu Housing Board,
No.493, Annasalai,
Nandanam,
Chennai 600 035

3.The Executive Engineer
and Administrative Officer,
K.K.Nagar Division,
Tamilnadu Housing Board,
C-48, TNHB Commercial Complex,
Anna Nagar, 2nd Avenue,
Chennai 600 040

4.The Special Tahsildhar,
Tamilnadu Housing Board,
K.K.Nagar Division,
Chennai

5.The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Thiruvallur District

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fifth respondent to issue the patta to the petitioner for his land and house site bearing plot No.81-B in 2nd Street, Sri Lakshmi Nagar, situated at Nerkundram Village, Maduravoyal Taluk, Chennai District comprised in survey



No.373/2A measuring an extent of 900 sq.ft. land with house thereon with EB Connection and lying within the Registration District of Chennai South and Sub Registration District of Virugambakkam.

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For Petitioner : Mr.A.Ilayaperumal

For Respondents

For R1, 4 & 5 : Mr.P.Baladhandayutham,
Special Government Pleader

For R2 & 3 : Mr.M.Baskar,
Standing Counsel

ORDER

This writ petition is filed for direction directing the fifth respondent to issue patta to the petitioner for his land and house site bearing plot No.81-B in 2nd Street, Sri Lakshmi Nagar, situated at Nerkundram Village, Maduravoyal Taluk, Chennai District comprised in survey No.373/2A measuring an extent of 900 sq.ft. land with house thereon with EB Connection and lying within the Registration District of Chennai South and Sub Registration District of Virugambakkam.

2. Heard, Mr.A.Ilayaperumal, the learned counsel for the petitioner, Mr.P.Baladhandayutham, Special Government Pleader appearing for respondents 1, 4 & 5, and Mr.M.Baskar, Standing Counsel appearing for respondents 2 & 3.

3. The petitioner purchased the property bearing plot No.81-B comprised in S.No.373/2A admeasuring 900 sq.ft. situated at 2nd Street, Sri Lakshmi Nagar, Nerkundram Village, Maduravoyal Taluk, Chennai District with house by the registered sale deed dated 15.10.1999 vide document No.4394 of 1999. Thereafter, revenue records were mutated in his name and applied for patta. However, the fifth respondent insisted the petitioner to get No Objection Certificate from the second respondent for the reason that originally the land comprised in survey No.373/2A belonged to one, Venkatavaradapillai and Jayaramasamy to an extent of 3 acres along with other land comprised in survey Nos.284/1A, 373/2A, 373/2B, 374/2 and 375 to an extent of 10.73 acres situated at Nerkundram Village. The second respondent proposed to acquire the said lands and had issued notification under Section 4(1) of the Land Acquisition Act, 1894 under GO.Ms.No.124 dated 08.05.1975. Subsequently, section 6 declaration was also issued and published on 09.06.1978. It was challenged before this Court in WP.Nos.8370 and 8371 of 1986 and



by order dated 21.01.1988, this Court quashed the acquisition proceedings. Thereafter, the second respondent did not conduct fresh enquiry under Section 5A of the said Act even after lapse of seven years.

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4. Again, the land owner approached this Court in WP.No.18379 of 1991 to quash the proceedings. By order dated 01.07.1999, this Court quashed the entire acquisition proceedings initiated by the second respondent. When the petitioner approached the fifth respondent for issuance of patta, he was directed to get No Objection Certificate from the second respondent. Admittedly, as against the order passed by this Court, the second respondent did not prefer any appeal so far and the order passed by this Court attained finality.

5. On perusal of the counter filed by the third respondent, revealed that after acquisition proceedings, award has been passed and the entire award amount was deposited by the Land Acquisition Officer before the Sub Court, Poonamallee. The possession of the subject land has been taken over by the Tamilnadu Housing Board on 25.07.1986. However, without knowledge of the Housing Board, the land owner challenged the acquisition proceedings and the same was allowed. Therefore, the purchase of the subject property by the petitioner has not conferred any right or title in favour of the petitioner.

6. On perusal of records, revealed that the entire land acquisition proceedings had been quashed by this Court and no appeal has been filed by the Tamilnadu Housing Board. As such, the order passed by the learned Single Judge of this Court had attained finality and no possession of the land had been taken over by the Tamilnadu Housing Board.

7. In view of the above, the third respondent is directed to issue No Objection Certificate for issuance of patta to the petitioner for the subject property i.e. the land and house site bearing plot No.81-B in 2nd Street, Sri Lakshmi Nagar, situated at Nerkundram Village, Maduravoyal Taluk, Chennai District comprised in survey No.373/2A measuring an extent of 900 sq.ft. land with house thereon within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the fifth respondent is directed to issue patta for the subject property in favour of the petitioner within a period of two weeks thereafter.



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8. With the above direction, this writ petition is allowed. No order as to costs.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

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Thiruvallur District

+1cc to Mr.A.Ilayaperumal, Advocate SR.No.5286

+1cc to Government Pleader SR.No.5627

WP.No.19275 of 2021

MP (CO)
GMY (22/02/2022)