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W.P.Nos.19949 and 19950 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.19949 and 19950 of 2022
and W.M.P.Nos.19244 and 19245 of 2022

Sarabamangala Enterprise LLP
Having Registered Office at
No.p-46, Hide Extension Brace Bridge,
Taratala, Kolkata-700088,
West Bengal,
Rep. by its authorised Signatory R.Paramasivam,
No.178, Ponvizha Nagar,
Urumandampalayam, G.N.Mills,
Vellaikinaru,
Coimbatore North,
Coimbatore.

...Petitioner
(In both WP's)

Vs.

- 1.The Tahsildar,
O/o Tahsildar,
Coimbatore Taluk,
Coimbatore District.
- 2.The Zonal Deputy Tahsildar,
O/o. The Tahsildar,
Coimbatore Taluk,
Coimbatore.
- 3.The Managing Director,
Tamil Nadu Housing Board,



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No.33, Anna Salai,
Nandanam,
Chennai-600035.

4.The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Sivananda Colony,
Tatabad,
Coimbatore-12.

...Respondents
(In both WP's)

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent in the file Nos.2022/0103/12/377695 and 2022/0103/12/377689 dated 11.06.2022 and 15.06.2022 respectively quash the same and consequently direct the 2nd respondent to issue patta by mutating the revenue records in the name of the petitioner with respect to 4.08 acres of land comprising in S.No.472/1B and 2 acres of land comprising in S.No.477/1A, of Vellaikinaru Village, Coimbatore District and land in comprising S.No.529/1A of Vellaikinaru Village, Coimbatore District respectively, without insisting for No Objection Certificate from the respondents 3 and 4.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.R.N.Amarnath

For Respondents : Mr.P.Sathish (for R1 to R3)
Additional Government Pleader
: Mr.D.Murugan (for R4)



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Standing Counsel for TNHB

. . . In both WP's

COMMON ORDER

The issue arises in both the writ petitions is one and the same. Accordingly, these writ petitions are disposed of by way of a common order. The issue arises in these writ petitions is already settled by the Hon'ble Apex Court. Hence, it is taken up for final hearing on the consent of both the counsel.

2. The case of the petitioner is that the petitioner are the owner of the properties in S.Nos.472/1B, 477/1A and 529/1A situated in Vellaikinaru Village, Coimbatore District. The said land was acquired by the State for the benefit of Housing Board for formation of lay out. Challenging the land acquisition proceedings the petitioner's vendor filed a writ petition in W.P.No.9005 of 2014, before this Court, for declaration under Section 24(2) of the new Act. This Court by its order dated 07.05.2014 allowed the writ petition. Against which the State and Housing Board have preferred an appeal in W.A.No.1438 of 2014, which was dismissed on 26.02.2016. Subsequently, a review application in R.A.No.186 of 2017 seeking to review the order of



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W.A.No.1438 of 2014 was filed. The same was also dismissed, on 30.03.2022. Thereafter, the petitioner made a representation on 05.05.2022 before the 2nd respondent for issuance of Patta. The same was rejected by the 2nd respondent on the ground that the petitioners did not obtained No Objection Certificates from the Housing Board. Aggrieved by the same, these writ petitions are filed with the aforesaid prayer.

3. The learned counsel for the petitioner submitted that already the acquisition proceedings are quashed by this Court in terms of Section 24(2) of the Right to Fair Compensation Act and the same was also confirmed by the Division Bench of this Court. Even then the 2nd respondent is insisting the petitioner to obtain No Objection Certificate from the Housing Board is not sustainable. Hence, he prays for allowing these writ petitions.

4. The learned Additional Government Pleader did not disputed the fact that the tahsildar has no power to refuse to grant Patta.

5. The facts in the present case is not in dispute. The acquisition



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proceedings initiated by the 2nd respondent has already been quashed by this Court in W.P.No.8706 of 2014 on 07.05.2014. The Hon'ble Division Bench and the Hon'ble Apex Court has also confirmed the same. There is no provision available in the Patta Pass Book Act or in the Revenue Standing Order for obtaining No Objection Certificate. Hence, in the absence of any provision for obtaining No Objection Certificate, the impugned order passed by the 2nd respondent is not sustainable. Accordingly, the 2nd respondent is directed to issue Patta to the petitioner, on receipt of necessary stamp duty and registration charges, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Speaking Order : Yes/ No
Index : Yes/ No

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To

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M.DHANDAPANI,J.

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