



W.P.No.25820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.25820 of 2022
and W.M.P.No.24887 of 2022

1.Malathi
2.Janaki
3.Sumathi

... Petitioners

VS.

- 1.The State of Tamil Nadu
Represented by its Secretary to Government,
Housing and Urban Development,
St.George Fort, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam, Chennai – 600 035.
- 3.The Special Tahsildar,
Land Acquisition, Tamil Nadu Housing Board Scheme,
Arinar Anna Special Shopping Complex,
Thirumangalam, Chennai – 600 040.
- 4.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board, J.J.Nagar Divison,
Mugappair Division, Thirumangalam,
Chennai – 600 101.
- 5.The Executive Engineer,
JJ Nagar Division, Tamil Nadu Housing Board,
JJ Nagar East, Chennai – 600 050.



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6.C.Krishnan

7.Indra

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct 1 to 5 respondents to consider and thereby disposing the representation made by the petitioner dated 07.03.2022.

For Petitioners : Mr.S.Srinivasan

For Respondents : Mr.U.Bharanidharan for R1
Additional Government Pleader

: Mr.A.M.Ravindranath Jayapal for R2 to R5
Standing Counsel for TNHB

ORDER

This Writ Petition has been filed to direct the 1 to 5 respondents to consider the representation dated 07.03.2022 made by the petitioner.

2.Since, no adverse orders is being passed against the private respondents, notice to the private respondents are dispensed with.

3.The case of petitioners is that the alleged vacant land measuring 0.44 Acres comprised in S.No.604, situated at Mugappair Village, Ambattur Taluk, Thiruvallur District, Chennai – 600 037, originally belongs to their



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great grandfather E.Chinnappa Naicker, who purchased the same out of his own earnings and savings under a two deed of sale registered as Document Nos.2488 of 1953 and 3615 of 1962 dated 22.12.1953 and 24.10.1962 at SRO, Seimbum each measuring to an extent of 22 Cents. Mrs.C.Chellammal, wife of E.Chinnappa Naicker, predeceased him and later the above said E.Chinnappa Naicker also died leaving behind his five sons as his legal heirs to take over his property. While that being so, the alleged land was said to be acquired by the Government of Tamil Nadu for the purpose of Ambattur Neighbourhood Scheme, to be implemented through the Tamil Nadu Housing Board. Even after several years, the Housing Board has not made any development in the acquired land. The legal heirs of late Govindaraj filed W.P.No.27934 of 2014 and the same was allowed by this Court by order dated 06.11.2014. Challenging the same, the Tamil Nadu Housing Board preferred an appeal in W.A.No.184 of 2015 and the same was dismissed on 09.02.2016. Again the respondents filed Review Application in Rev.Appl.No.174 of 2017 and the same was also dismissed on 30.03.2022. Even then the respondents had not mutated the revenue records and the petitioner is entitled to have the records mutated in respect of their share.



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4.The learned counsel appearing for the respondents would submit that as against the order passed by the Division Bench of this Court, they are taking effective steps to file S.L.P. before the Hon'ble Apex Court. Considering the facts and circumstances of this case, as the land acquisition proceedings ended in favour of the petitioner. As the petitioners father namely C.Krishnan and other 25 legal heirs filed a Writ Petition before this Court in W.P.No.27934 of 2014. Which was allowed and the same was confirmed by the Division Bench in appeal and the Review Application was also dismissed. Hence, there is no legal impediment for the 3rd respondent to consider the petitioners representation dated 07.03.2022.

5.Heard learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record before this Court.

6.A perusal of the records reveal that though the representation was made to Special Tahsildar, Land Acquisition, Housing Board, however, the competent Authority to mutate the revenue records is regular Tahsildar. In view of the above, this Court is inclined to grant liberty to the petitioner to



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file appropriate application before the jurisdictional Revenue Tahsildar for mutation of Revenue Records within a period of two weeks. On such representation being filed, the jurisdictional Revenue Tahsildar is directed to pass appropriate orders without insisting for no objection certificate from the Housing Board, if there is no other legal impediment.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
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To

1. The Secretary to Government,
for The State of Tamil Nadu,
Housing and Urban Development,
St. George Fort, Chennai – 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam, Chennai – 600 035.

3. The Special Tahsildar,



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Land Acquisition, Tamil Nadu Housing Board Scheme,
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4.The Executive Engineer & Administrative Officer,
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M.DHANDAPANI,J.

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