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WP.No.24731 & 25034 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

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THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.Nos.24731 & 25034 of 2022

Rajasekaran ... Petitioner in W.P.No.24731 of 2022

J.Rajesh ... Petitioner in W.P.No.25034 of 2022

Vs

1. The Tahsildar,
Sholinganallur Taluk,
First Cross Street, New Kumaran Nagar,
Sholinganallur, Chennai-91.

2. The Commissioner,
Commissionerate of Urban Land Ceiling and
Urban Land Tax Department,
Chepauk, Chennai-5.

... Respondents in both the writ petitions

Prayer in W.P.No.24731 of 2022 :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st Respondent to grant patta in the name of the petitioner with respect to his property bearing Plot No.1 Lake View 4th Street, Iyyapa Nagar, Madipakkam as sanctioned in D.T.P. Layout No. 163/74 situated at No. 154, Madipakkam Village, Tambaram Taluk , Kancheepuram District



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comprised in Survey No. 174/2 (Part) measuring 2400 sq.ft Paimash Nos. 401 to 417 within the Registration District of Chennai South and Sub Registration District of Velachery without insisting on a No Objection Certificate from the 2nd Respondent in accordance with the Judgement of this Honble Court in W.P. Nos. 2856 to 2859 of 2014 as confirmed by the Judgment in W.A. Nos. 975 to 978 of 2015.

Prayer in W.P.No.25034 of 2022 :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to grant patta in the name of the petitioner with respect to his property bearing Door No.5/868 Plot No.29 measuring 2400 sq.ft as sanctioned in D.T.P Layout No.183/73 comprised in Survey No.174/2 Paimash No.401 to 417 Madipakkam Village, Iyappa Nagar, Shollinganallur Taluk, at present previously in Tambaram Taluk, Kancheepuram District within the Registration District of Chennai South and Sub Registration District of Velacheri without insisting on a No Objection Certificate from the 2nd respondent in accordance with the judgment of this Honourable Court in W.P Nos.2856 to 2859 of 2014 as confirmed by the judgment in W.A. Nos.975 to 978 of 2015.

For Petitioners : Mr. Kaushik N.Sharma (in both the petitions)

For Respondents : Mr.D.Gopal, GA (in both the petitions)



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COMMON ORDER

Since the issue involved in both the cases and facts are one and the same and therefore, these cases are disposed of by way of common order.

2. The petitions have been filed seeking a direction to directing the 1st respondent to grant patta in the name of the petitioners with respect to the subject properties.

3. Heard the learned counsel for the petitioners as well as the learned Government Advocate for the respondents and perused the materials available on record.

4. It is the case of the petitioners that the petitioners are the absolute owners of the subject properties and they are in peaceful possession and enjoyment of the properties. That being the situation, the petitioners made an online application before the first respondent and paid appropriate fees towards patta transfer. But the first respondent informed that the petitioners had to secured a No Objection Certificate from the



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second respondent for issuance of patta in the name of the petitioners. The same was not considered by the first respondent and therefore, the petitioners have filed writ petitions before this court in W.P.nos.7919, 7921 and 7923 of 2022 for issuance of patta in the name of the petitioners with respect to the subject properties. This court, vide its order dated 18.04.2022, directed the first respondent to consider the petitioner's representation once again and pass orders on the same in accordance with law. However, when the petitioners approached the first respondent, they insisted to obtain NOC from the second respondent. Aggrieved by the same, the writ petition have filed.

5. Learned counsel for the petitioners submitted that initially the petitioners lands was acquired under Urban Land Ceiling Act and subsequently, the said proceeding was quashed by this court and therefore, there is no legal impediment for the respondents to issue patta in favour of the petitioners. Hence, this Court may issue a direction to the first respondent to consider the representation made by the petitioners and pass appropriate orders without insisting NOC from the second respondent



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within the stipulated time as fixed by this Court.

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6. The learned Government Advocate submitted that the first respondent will consider the petitioners representation for issuance of patta without insisting NOC from the second respondent.

7. Considering the facts and circumstances of the case and in view of the fair submission made by the learned Government Advocate, this Court directs the first respondent to consider the petitioners representations dated 14.06.2022 and 30.08.2022 and pass appropriate orders without insisting NOC from the second respondent, on merits and in accordance with law, after providing opportunity to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petitions are disposed of. No costs.

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M.DHANDAPANI, J.



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Index: Yes/No
Internet: Yes/No
Speaking/Non speaking

To

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