



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.27576 and 27578 of 2021

Rajeswari ... Petitioner in W.P.No.27576/2021
A.Pongalarasi ... Petitioner in W.P.No.27578/2021

Vs

1. The Secretary to Government,
Housing and Urban Development Dept.,
Government of Tamilnadu,
Secretariat,
Chennai - 600009.
 2. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600035.
 3. The Executive Engineer
and Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, T.N.H.B.Commercial Complex,
Anna Nagar, 2nd Avenue,
Chennai - 600040.
 4. The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.
 5. The Tahsildar,
Maduravoyal Taluk,
Gangayamman Koil Street,
Alappakkam,
Chennai - 600 116.
- ... Respondents in both WPs.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus,



directing the 5th respondent to consider the petitioners' application Nos.2021/0105/02/272437 and 2021/0105/02/272441 dated 21.10.2021 and to issue the Patta to the petitioners for their properties situated in S.Nos.324/1 and 373/2, Plot Nos. 180 and 108, Sri Balavinayagar Nagar and Lakshmi Nagar, Nerkundram Village, Maduravoyal Taluk measuring to an extents of 800 and 1200 sq.ft.

For Petitioner : Mr.M.Premkumar
(in both WPs)

For R1, R4 and R5 : Mr.P.Baladhandayutham
(in both WPs) Special Government Pleader

For R2 and R3 : Mr.M.Baskar
(in both WPs) Standing Counsel

COMMON ORDER

The writ petitions are filed to issue a Writ of Mandamus to direct the fifth respondent to consider the petitioners' application Nos.2021/0105/02/272437 and 2021/0105/02/272441 dated 21.10.2021 and to issue the Patta to the petitioners for their properties situated in S.Nos.324/1 and 373/2, situated at Plot Nos.180 and 108, Sri Balavinayagar Nagar and Lakshmi Nagar, Nerkundram Village, Maduravoyal Taluk, measuring to an extent of 800 sq.ft and 1200 sq.ft.

2. The petitioners owned their respective lands comprised in S.Nos.324/1 and 373/2, situated at Plot Nos.180 and 108, Sri Balavinayagar Nagar and Lakshmi Nagar, Nerkundram Village, Maduravoyal Taluk, measuring to an extent of 800 sq.ft and 1200 sq.ft. While that being so, the respondents 1 to 4 herein proposed to acquire the subject properties along with other properties and had issued notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act' for short), vide G.O.Ms.No.124, Housing, dated 08.05.1975 published on 11.06.1975 and subsequently declaration under Section 6 of the Act was also issued and published on 09.06.1978. The subject properties were part of a larger extent of the land ad-measuring an extent of 10.73 acres comprised in S.Nos.284/1A, 373/2A, 373/2B, 374/2 and 375, Nerkundram Village, which was originally owned and possessed by one Venkatasamy Naicker. The said land owner challenged the acquisition proceedings before this Court in W.P.No.8371 of 1986 and this Court, by order dated 21.01.1986, quashed Section 6 Declaration issued under the Act. Thereafter, the respondents did not conduct any fresh enquiry as contemplated under Section 5-A of



the Act. Once again, the original land owner filed a Writ Petition before this Court in W.P.No.18379 of 1991 seeking to quash notification under Section 4(1) of the Act dated 11.06.1975. Ultimately, by order dated 01.07.1999, this Court quashed notification proceedings issued under Section 4(1) of the Act. Thereafter, no fresh acquisition proceedings were initiated the respondents 1 to 4 herein. However, the petitioners were not issued patta and as such, other land owners approached this Court by way of Writ Petitions in W.P.Nos.8979, 8980 and 9105 of 2018. This Court by order dated 16.09.2019 specifically directed that the fifth respondent shall, without insisting NOC from the Housing Board, issue patta within a period of four weeks. However still the fifth respondent has not passed any order to issue patta.

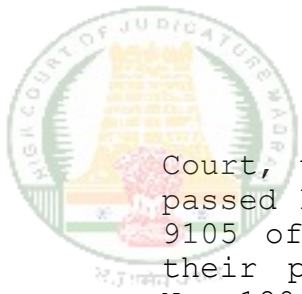
3. The relevant portion of the said W.P.Nos.8979, 8980 and 9105 of 2018, dated 16.09.2019 passed by this Court is extracted hereunder:

"....5. After hearing the counsel it is obviously clear that the lands acquired by the petitioners are no more under the acquisition proceedings. The Housing Board has not taken steps to pursue their writ appeal filed in the Registry as early as 2017, but yet to be numbered. Citing unnumbered appeal papers, the right of the petitioners cannot be deprived being third parties who have purchase after the acquisition proceedings were quashed. Therefore, the Housing Board is bound to give NOC and the first respondent is bound to consider the application for transfer of patta based on the representation given by the petitioners without insisting on NOC issued by the second respondent.

6. Hence, it is directed the first respondent shall without insisting NOC from the Housing Board issue patta within a period of four weeks from the date of receipt of this order if the petitioners produce all the other necessary documents for change of patta.

7. With the above direction, the writ petitions are disposed of. No costs."

4. Considering the above facts and circumstances of the case and the order of this Court extracted supra, as directed by this



Court, the fifth respondent is directed to comply with the order passed by this Court dated 16.09.2019 in W.P.Nos.8979, 8980 and 9105 of 2018 and issue patta to the petitioners in respect of their properties in S.Nos.324/1 and 373/2, situated at Plot Nos.180 and 108, Sri Balavinayagar Nagar and Lakshmi Nagar, Nerkundram Village, Maduravoyal Taluk, measuring an extent of 800 sq.ft and 1200 sq.ft, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, both the Writ Petitions are disposed of. No costs.

0

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

kv

To

1. The Secretary to Government,
Housing and Urban Development Dept.,
Government of Tamilnadu,
Secretariat,
Chennai - 600009.
2. The Managing Director,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 600035.
3. The Executive Engineer
and Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, T.N.H.B.Commercial Complex,
Anna Nagar, 2nd Avenue,
Chennai - 600040.
4. The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.



5. The Tahsildar,
Maduravoyal Taluk,
Gangayamman Koil Street,
Alappakkam,
Chennai - 600 116.

WEB COPY

+1cc to Mr.M.Premkumar, Advocate, S.R.No.268
+1cc to the Government Pleader, S.R.No.699

W.P.Nos.27576 and 27578 of 2021

RR[co]
NSK 21/01/2022