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W.P.No.31178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31178 of 2022

1.G.Kandan

2.Kondapaneni Pulla Rao

... Petitioners

Vs.

1.The Tahsildar,
Maduravoyal Taluk,
Phase-II, 2nd Main Raod,
Nolambur, Chennai – 600 087.

2.Tamil Nadu Housing Board,
Represented by its Managing Director,
'CMDA' Complex, E & C Market Road,
Koyembedu, Chennai – 600 107.

...

Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to process the petitioners' applications for Patta dated 23.09.2022 and grant Patta for the petitioners' plots situated in the layout viz., 'Chowdry Nagar', Valasaravakkam, Chennai – 600 087, comprised in Survey Nos.164/2, 165/3 & 165/1 of Valarasaravakkam Village, Maduravoyal Taluk, Chennai.

For Petitioners : Ms.Sree Ranjini



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For Respondents : Mr.U.Bharanidharan for R1
Special Government Pleader
: Mr.A.M.Ravindranath Jeyapal

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 1st respondent to process the petitioners' applications for Patta dated 23.09.2022 and grant Patta for the petitioners' plots situated in the layout viz., 'Chowdry Nagar', Valasaravakkam, Chennai – 600 087, comprised in Survey Nos.164/2, 165/3 & 165/1 of Valarasaravakkam Village, Maduravoyal Taluk, Chennai.

2.The case of the petitioners is that the petitioners are the owner of the property with respect to the above said survey numbers. In the year 1975, the lands in S.Nos.164/2, 165/3 & 165/1 were among the other lands, subjected to land acquisition proceedings of the Tamil Nadu Housing Board and the 4(1) notification in G.O.Ms.No.136(Housing) dated 14.05.1975 was challenged before this Court in W.P.No.3693 of 1986 in a batch of Writ Petitions and this Court vide its order dated 08.10.1991 allowed the same. Aggrieved over the said order, the Government preferred an appeal in W.A.No.662 of 1994 before the Division Bench of this Court and the same



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was dismissed vide its order dated 25.01.1995. Thereby, the lands in S.Nos.164/2, 165/3 & 165/1 were free from any acquisition proceedings.

Thereafter, one such plot owner in the said 'Chowdry Nagar' layout, whose paata application was kept unconsidered had approached this Court in W.P.No.14575 of 2021 and this Court vide its order dated 22.12.2021, directed the 1st respondent/ Tahsildar therein to issue patta without insisting for no-objection certificate from the Tamil Nadu Housing Board. Citing the same, the petitioners herein had also made individual applications dated 23.09.2022 to the 1st respondent by remitting prescribed fee for issuance of patta in their favour for their respective plots. While so, the 1st respondent without processing the petitioners applications, insisted for non-objection certificate from the 2nd respondent/ Tamil Nadu Housing Board. Under these circumstances, the petitioner made a representation dated 23.09.2022 to the respondents to interfere with the issuance of patta, but, till date the same has not been considered and hence, the petitioner has filed this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 23.09.2022



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and pass orders on the same within a particular time frame fixed by this Court.

4.Mr.U.Bharanidharan, the learned Additional Government Pleader for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.This Court vide its order dated 23.11.2022 directed the respondents to consider the petitioner's representation dated 23.09.2022 and pass appropriate orders on the same. However, the same was not complied with. Therefore, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioners' representation dated 23.09.2022 on merits and in accordance with law and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.

6.This writ petition is accordingly disposed of. No costs.

30.11.2022



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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Tahsildar,
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Phase-II, 2nd Main Raod,
Nolambur, Chennai – 600 087.
- 2.The Managing Director,
for Tamil Nadu Housing Board,
'CMDA' Complex, E & C Market Road,
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M.DHANDAPANI,J.
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