



WP.Nos.15423 to 15429/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP.Nos.15423 to 15429/2017
& WMP.Nos.7449 to 7451/2016

Tmt.V.Ambika	... Petitioner in WP.No.15423/2016
B.Venkatachari	... Petitioner in WP.No.15424/2016
Mrs.V.Suseela	... Petitioner in WP.No.15425/2016
A.T.Rengaraju	... Petitioner in WP.No.15426/2016
N.Vedachalam	... Petitioner in WP.No.15427/2016
S.Abdul Munap	... Petitioner in WP.No.15428/2016
C.J.Rajasekar	... Petitioner in WP.No.15429/2016

Vs



WP.Nos.15423 to 15429/2017

- 1.The State of Tamil Nadu
rep.by its Principal Secretary to Government
Housing and Urban Development Department
Fort St George, Chennai 600 009.
- 2.The Managing Director
Tamil Nadu Housing Board
No.33, Anna Salai, Nandanam
Chennai 600 034.
- 3.The Executive Engineer
Tamil Nadu Housing Board
Bagalur Road, Hosur
Krishnagiri District.
- 4.The Special Tahsildar [Land Acquisition]
Housing Scheme, TNHB, Bagalur Road
Hosur, Krishnagiri District.
- 5.The Special Tahsildar
Town Survey and Settlement Office
Royakottai Road, Hosur
Krishnagiri District.

... Respondents
in all WPs

Prayer in WP.No.15423/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to issue No Objection Certificate for transfer of patta in respect of housing site to an extent of 1200 sq.ft., comprised in S.No.928/2, bearing Plot No.38, Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 03.02.2017 within the time to be stipulated by this Court.

Prayer in WP.No.15424/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing



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the respondents 2 to 4 to issue No Objection Certificate for transfer of patta in respect of housing site to an extent of 1200 sq.ft., comprised in Ols S.No.928/2, present sub-divided S.No.928/2R bearing Plot No.36, Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 03.02.2017 within the time to be stipulated by this Court.

Prayer in WP.No.15425/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to issue No Objection Certificate for transfer of patta in respect of housing site to an extent of 2400 sq.ft., bearing in Plot Nos.79 and 80, comprised in S.No.929/2 [200 sqft] and 928/2 [1000 sqft] and 929/2 [1200 sqft], Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 06.02.2017 within the time to be stipulated by this Court.

Prayer in WP.No.15426/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to issue No Objection Certificate for transfer of patta in respect of housing site to an extent of 1200 sq.ft., comprised in S.No.928/2, bearing Plot No.42, Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 13.02.2017 within the time to be stipulated by this Court.

Prayer in WP.No.15427/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to issue No Objection Certificate for transfer of patta in respect of housing site to an extent of 1200 sq.ft., comprised in S.No.928/2K, bearing Plot No.33, Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 14.02.2017 within the time to be stipulated by this Court.

Prayer in WP.No.15428/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to issue No Objection Certificate for transfer of patta



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in respect of housing site to an extent of 1200 sq.ft., comprised in S.No.929/2, bearing Plot No.8, Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 16.02.2017 within the time to be stipulated by this Court.

Prayer in WP.No.15429/2016: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to issue No Objection Certificate for transfer of patta in respect of housing site to an extent of 1200 sq.ft., comprised in S.No.929/2-O, bearing Plot No.23, Ashok Nagar, Hosur Village and Taluk, Krishnagiri District based on the petitioner's representation dated 04.05.2017 within the time to be stipulated by this Court.

For Petitioners in
all WPs : Mr.R.Bharath Kumar
For RR 1,4&5
in all WPs : Mrs.V.Yamunadevi
Special Govt. Pleader
For RR2 & 3 in
all WPs : Mr.D.Murugan, Standing counsel

COMMON ORDER

- (1) The petitioners seek a writ of mandamus directing the respondents to effect transfer of patta based on the judgment of this Court made in WP.No.17495/2014 dated 09.12.2014 wherein this Court had quashed the Land Acquisition proceedings on the ground that they have lapsed in view of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and



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Resettlement Act, 2013.

(2)

The learned counsel for the Tamil Nadu Housing Board would submit that appeals have been filed against the said judgment dated 09.12.2014 and they are in the SR stage.

(3)

I find total negligence and indifference on the part of the Housing Board in prosecuting the appeals. Though 8 years have lapsed from the date of judgment, the learned counsel for the Housing Board would submit that appeals are pending in the SR stage. I find this a little amusing. Though I am used to the delay on the Government side. The insistence of No Objection Certificate from the Housing Board by the Tahsildar concerned, in my opinion amounts to a direct infringement to the right of property of the petitioners. Once the Land Acquisition proceedings are quashed by this Court and there is no live challenge to the orders quashing the Land Acquisition proceedings under whatever ground it may be, the Revenue Tahsildar is bound to effect transfer of patta and insistence of a No Objection Certificate is wholly unnecessary and unwarranted.



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(4)

Hence, the writ petitions are **allowed**. There will be a direction to the Tahsildar, Hosur, to effect changes in the revenue records and issue patta in the names of the petitioners in all these writ petitions within a period of four weeks from today. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2022

AP

Internet : Yes



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To

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State of Tamil Nadu
Housing and Urban Development Department
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R.SUBRAMANIAN, J.

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