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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.32929 of 2019

B.M.Rajan

... Petitioner

Vs

1. The District Collector,
O/o.The District Collector,
Krishnagiri,
Krishnagiri District.

2. The Thasildar,
O/o. The Thasildar,
Hosur, Krishnagiri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to issue a Transfer of Patta in the petitioner's name for the property bearing Survey No.603 to an extent of 1200 sq.ft situated at G.P.Village, Sunnambu Town, Hosur Taluk, Krishnagiri District within stipulated period fixed by this Court.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the second respondent to issue a Transfer of Patta in the petitioner's name for the property bearing Survey No.603 to an extent of 1200 sq.ft situated at G.P.Village, Sunnambu Town, Hosur Taluk, Krishnagiri District within stipulated period that may be fixed by this Court.

2. The case of the petitioner is that he purchased the land of an extent of 1200 sq.ft comprised in S.No.603, situated at Hosur, Krishnagiri District, vide Document No.3822 of 1984.



Thereafter, the petitioner constructed a house and residing there. Therefore, the petitioner sought for transfer for Patta. The second respondent acquired the land comprised in S.No.603 of an extent of 0.50.0 hectares, for the Development of Housing Board by the Award dated 10.06.1994 passed in Award No.5 of 1994 and the land in question was sub-divided as S.No.603/1. The petitioner was directed to obtain a "No Objection Certificate" from the Special Tahsildar, Land Acquisition, Hosur for the subject land. Accordingly, the petitioner approached the Special Tahsildar on 03.02.2014 and submitted representation for issuance of No Objection Letter. The said Special Tahsildar on 30.12.2014 issued a No Objection Letter stating that the subject property was not acquired by him and only the sub-divided property in S.No.603/1 was acquired by them. Hence, the petitioner was issued No Objection Letter for transfer of Patta. Insofar as the No Objection Letter was submitted before the second respondent for issuance of patta, the request has not been considered.

3. On a perusal of the counter affidavit filed by the respondent, it reveals that the subject land belonged to the Tamil Nadu Housing Board which has proposed to construct houses and the subject land was acquired in the year 1994 by the Special Tahsildar (LA) Housing Scheme, Hosur for construction of houses for Tamil Nadu Housing Board. Thereafter, the award was passed in Award No.89/90 dated 10.06.1994. The possession of the subject land is with the Tamil Nadu Housing Board. The petitioner encroached a portion of the land and constructed a house. Therefore, the petitioner was issued notice to evict him from the subject land. In fact, the petitioner challenged the said notice before the Division Bench of this Court in W.P.No.23472 of 2019 and the Division Bench of this Court by order dated 14.08.2019 directed the petitioner to prefer an appeal as against the notice issued by the Tamil Nadu Housing Board to the Government. So far the petitioner did not prefer any appeal.

4. The learned counsel for the petitioner submitted that, as directed, by the Hon'ble Division Bench of this Court in W.P.No.23472 of 2019 by order dated 14.08.2019, the petitioner filed an appeal before the Government of Tamil Nadu and it is pending.

5. Considering the above submissions, the second respondent is directed to consider the request made by the petitioner for issuance of Patta for the land comprised in S.No.603 to an extent of 1200 sq.ft, situated at G.P.Village, Sunnambu Town, Hosur Taluk, Krishnagiri District, subject to the orders to be passed in the appeal already submitted by the petitioner.



6. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
O/o.The District Collector,
Krishnagiri,
Krishnagiri District.
2. The Thasildar,
O/o. The Thasildar,
Hosur, Krishnagiri District.

+1cc to Mr.C.Samivel, Advocate, S.R.No.4416

+1cc to the Government Pleader, S.R.No.4930

W.P.No.32929 of 2019

GSM(CO)
SU(10/03/2022)