



W.P.Nos.34354, 34355 & 34357 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.34354, 34355 and 34357 of 2022

N.V.Thangamani	... Petitioner in W.P.No.34354/2022
K.S.Mani	... Petitioner in W.P.No.34355/2022
D.Ramesh Babu	... Petitioner in W.P.No.34357/2022

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai – 600 035.
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 – 600 040.
4. The Special Tahsildar,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai.



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5. The Tahsildar,
Maduravoyal Taluk,
Nolambur, Chennai District.

... Respondents in all W.Ps.

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 5th respondent to issue the patta to the petitioner for his land and house site, bearing Plot No.47, Plot No.41-A and Plot No.41 respectively in 1st street, Muniyappa Nagar, situated at Nerkundaram Village, Maduravoyal Taluk, Thiruvallur District, comprise in Survey Nos.123, measuring an extent of 2086 sq.ft, 1380 sq.ft and 1290 sq.ft respectively Land with house thereon with E.B. Connection, and lying withing the Registration District of Chennai South and Sub Registration District of Virugambakkam.

For Petitioner : Mr.L.G.Sahadevan
[in all W.Ps.]

For Respondent : Mr.Yogesh Kannadasan,
[in all W.Ps.] Special Government P leader [R1,
R4 and R5]
Mr.A.M.Ravidranath Jeyapal [R2
& R3]

ORDER

Since the issue raised in these writ petitions is common, with the consent of learned counsel appearing for the parties, all these writ petitions were heard together and are disposed of by this common order.

2. In respect of the respective property, which mentioned by the



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petitioners, they claimed that they have purchased the property by valid sale consideration and the document to that effect has been registered by the concerned Registering Authority, since then they have been enjoying the property, however, so far patta has not been issued to the petitioners for the said property. Therefore, each of the petitioners have given separate applications to that effect to the fifth respondent Tahsildar on 04.04.2022 and in order to consider the said application for issuance of patta, they approached this Court by filing the present writ petitions.

3. In this context, Mr.L.G.Sahadevan, learned counsel appearing for the petitioners would submit that, earlier the land were acquired for the purpose of Tamil Nadu Housing Board and subsequently the land acquisition proceedings were under challenge before this Court, where those writ petitions were allowed and the land acquisition proceedings were quashed, as against which, though intra court appeals were filed by the Authorities concerned, where also they become unsuccessful. Therefore, the issue has come to a conclusion that there has been no further land acquisition proceedings.

4. When that being so, there could be no further impediment for the



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fifth respondent to entertain the applications submitted by the petitioners for issuance of patta. Hence, the learned counsel appearing for the petitioners seeks indulgence of this Court to issue a suitable direction to the fifth respondents to that effect.

5. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1, 4 and 5 and Mr.A.M.Ravindranath Jeyapal, learned Standing Counsel appearing for the second and third respondents.

6. Learned Standing Counsel appearing for the second and third respondents submitted that though the land acquisition proceedings have been quashed by the writ Court, as against which, writ appeals have been filed and the writ appeals even though disposed, the further course of action is yet to be decided. Therefore, at this juncture, if the patta is issued in the name of the petitioners and if ultimately any decision is taken by the second and third respondents to agitate the issue once again before the appellate forum, then it would be a case of *fait accompli*. Therefore, he is opposing the prayer sought for in these writ petitions.

7. I have considered the said submissions made by the learned



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counsel appearing for both sides and have perused the materials placed before this Court.

8. Insofar as the land acquisition proceedings are concerned, it is an admitted fact that it has been quashed by this Court and therefore, as on date there has been no further proceedings issued by the respondents Government for acquiring the land in question.

9. Several years since have gone and in the meanwhile, the property in question since have been purchased for a valid sale consideration by the petitioners from the erstwhile owner and they have been in possession and enjoyment of the property, this Court feels that they are entitled to get patta.

10 In this regard, since they have made applications on 04.04.2022 individually to the fifth respondent Tahsildar, that application shall be considered and decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

11. The said position cannot be controverted by the learned Special



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Government Pleader appearing for the other respondents.

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12. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the fifth respondent to consider the applications submitted by the petitioners dated 04.04.2022 individually by each of the petitioner with regard to the plea of getting patta for the land in question and accordingly pass necessary orders thereon on merits and in accordance with law within a period of six(6) weeks from the date of receipt of a copy of this order.

With this direction, these writ petitions are disposed of. No costs.

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Index : Yes/No
mp

To



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R. SURESH KUMAR, J.

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