



W.P.No.4040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.4040 of 2023

M.Savaridas

.. Petitioner

VS

- 1.The Government of Tamilnadu
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai - 09.
- 2.Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam, Chennai - 600 035.
- 3.The Special Tahsildar (LA),
Land Acquisition Unit - 5,
CMDA Complex,
Exc. Market Road,
Koyambedu,
Chennai - 107
(R3 suo motu impleaded vide this order)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to issue No Objection Certificate to the petitioner for survey no.84/4, Alapakkam Village, Chengalpattu District, measuring a extent of 0.17 cents based on representation made on 10.07.2019.



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For Petitioner : Mr. B.Bala Vijaya
for Ms.R.Sripriya

For Respondents : Mr.P.Anandakumar
Government Advocate
for R1, R3
Mr.AM.Ravindranath Jayapal
for R2

ORDER

Heard B.Bala Vijaya, for the petitioner and Mr.AM.Ravindranath Jayapal for R2 / the Managing Director of the Tamil Nadu Housing Board.

2. The prayer of the petitioner is for a mandamus simplicitor directing R2 to issue no objection certificate in respect of the petitioner's claim for ownership of the land in Survey No.84/4A Alapakkam Village, Chengalpattu District ad-measuring 0.17 cents (property in question). The petitioner has also made a representation on 10.07.2019 seeking the same relief.

3. Both learned counsel would agree that the Special Tahsildar, Land Acquisition is also to be brought on board as he will be in possession of the necessary records, including revenue records to aid a decision on the prayer of the petitioner. Hence, the Special Tahsildar (LA), Land Acquisition Unit – 5, CMDA Complex, Exc. Market Road, Koyambedu, Chennai – 107 is impleaded as R3 and Mr.Anandakumar, learned Government Advocate, accepts



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notice.

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4. Briefly put, the petitioner claims ownership to the property in question and states that he had purchased the same from one Thiru.Mariappana on 05.02.1977 vide a registered sale deed. He claims to be in possession and enjoyment of the same since that date. According to him, the revenue records have been mutated in his favour.

5. While this is so, R2 issued proceedings dated 23.10.1997 proposing a new housing scheme. The Special Tahsildar, now impleaded as R3, was appointed to conduct the acquisition proceedings. Notification under Section 4(1) of the Land Acquisition Act came to be issued on 17.07.1989 in G.O.(Ms).No.680, Housing and Urban Development Department. Thereafter, objections have been raised by aggrieved persons, including this writ petitioner who filed W.P.No.7897 of 1992 that had been disposed on 14.06.1999 granting the petitioner leave to make a representation setting out his grievances.

6. According to the petitioner, the acquisition proceedings had stalled thereafter and no award has been passed. This, according to him, would reaffirm his ownership of the property in question, quite apart from the fact that he is in possession of all necessary documents in that regard.



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7. He also states that his application under the Right to Information Act supports the fact that his application has been pending since 1999 when he obtained orders from this Court, without favour of disposal.

8. He refers to a batch of writ petitions challenging the acquisition proceedings for the entirety of the property, including the property in question. That batch of writ petitions was dismissed and W.A.No.585 to 587 of 2016 challenging order of dismissal is stated to have been allowed on 11.12.2017. Thus, according to the petitioner, the entirety of the acquisition proceedings have been quashed and that order has attained finality. It is in light of the aforesaid position, that the petitioner now seeks a mandamus.

9. Prima facie, it would appear that the petitioner is entitled to a prompt disposal of his representation seeing as he has been vigilant in approaching this Court even as early as in 1992 seeking relief as against the acquisition proceedings. Since such disposal would involve assimilation of various facts, it is best that R2 carry out this exercise.

10. Mandamus is thus issued to R2 to dispose the representation of the petitioner within a period of three weeks from today, bearing in mind that the petitioner is a super senior citizen aged about 85 years. The petitioner is permitted to appear before



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R2 either himself or through an authorized representative on 22.11.2023 at 10.30 a.m without expecting any further intimation in this regard. R2 shall hear the case of the petitioner and shall ensure that necessary records are obtained from R3 prior to the hearing in order to take a decision on the representation of the petitioner expeditiously and in any event within thirty days from date of personal hearing, i.e., on or before 13.12.2023, in accordance with law.

11. Writ petition stands disposed in above terms. No costs.

15.11.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

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