



W.P.No.22116 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.22116 of 2021

Sathish

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.
2. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
TATABAD, Coimbatore.
3. The Tahsildar,
North Taluk,
Coimbatore

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to transfer Patta on the petitioner's name for Plot No.33 in Purushothama Naidum Nagar, Kalapatti Village, Coimbatore North " without insisting no objection certificate" from the Tamil Nadu Housing Board pertaining to the petitioner property.



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For Petitioner : Mr.B. Gopalakrishnan

For Respondents : Mr.A.M.Ravindranath Jeyapal
R.1 & R.2
Mr.Yogesh Kannadasan
Spl.Government Pleader
For R.3

ORDER

The grievance of the petitioner is that his representation dated 15.06.2019, seeking for transfer of a Patta on the petitioner's name for Plot No.33 in Purushothama Naidum Nagar, Kalapatti Village, Coimbatore North " without insisting no objection certificate" from the Tamil Nadu Housing Board, has not been considered by the Tahsildar in time and hence, he has preferred the present Writ Petition.

2. The learned Special Government Pleader submitted that the relevant form, namely Form II, has now been uploaded in the Registration Department's website and that the petitioner can apply through online.



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3. The Tamil Nadu Patta Pass Book Act prescribes the mode of making an application for issuance of Patta to be in Form II, as specified under Section 3(4) of the Patta Pass Book Act, 1983 [hereinafter referred to as 'the Act'], read with Rule 3(2) of the Tamil Nadu Patta Pass Book Rules, 1987 [hereinafter referred to as 'the Rules'], within a period of 30 days from the date specified in the notice under Section 3(3) of the Act.

4. This Court is of the view that if the petitioner is granted liberty to make an appropriate online application under the relevant form, within 30 days, with a consequential direction to the Tahsildar to consider the said application in accordance with the procedure contemplated under the relevant Act and Rules, the ends of justice could be secured.

5. In the light of the above observations, the petitioner herein is granted liberty to make an application in Form II through online, as specified under Section 3(4) of the Act, read with Rule 3(2) of the Rules, within a period of 30 days from the date of receipt of a copy of this order,



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if not already made. On receipt of such an application, the third respondent herein shall consider it on its own merits and in accordance with the procedure contemplated under the Tamil Nadu Patta Pass Book Act, as well as the Tamil Nadu Patta Pass Book Rules and take a final decision, after giving notice to the petitioner, as well as all the other persons who may be interested in the title/possession of the subject property, within a period of 12 weeks from the date of receipt of the online application (or) from the date of receipt of a copy of this order, if the online application has already been made and is pending.

6. With the above directions, the Writ Petition stands disposed of.

No costs.

30.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

sr



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M.S.RAMESH,J.

Sr

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31.03.2023