



W.P.No.29920 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29920 of 2023

and

WMP.Nos.29535 & 29538 of 2023

A.Vetriazhagan

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Petitioner

/vs/

1.The District Collector,
“Singaravelan Maaligai”
Rajaji Salai, Chennai – 600 001.

2.The Tahsildar,
Maduravoyal Taluk,
Chennai – 600 037.

3.The District Revenue Officer, (L.A),
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyembedu, Chennai – 600 107.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent and quash the 3rd respondent's impugned letter dated 13.04.2023 vide letter No.L.A.3(2)/10387/2021 as the same is perverse, arbitrary, biased, illegal untenable, unwarranted, smacks of malafide and colourable exercise of power and consequently, directing the 2nd respondent to consider the petitioner's Application dated 04.03.2023 and thereby issue patta in the petitioner's name without insisting “No Objection Certificate’ (NOC) from the 3rd respondent in respect of the



W.P.No.29920 of 2023

petitioner's lands (Regularization No.002511 dated 20.11.2001) bearing Plot Nos.1, 11, 19 and 23 comprised in Old Survey Nos.136/1, 137/1 & 138/2 presently in Survey No.136/1A, 137/1A1A1A1 and 138/2A1, all situated at Malligai Avenue, Nerkundram, Chennai – 600 067, in Nerkundram Village, formerly Ambattur Taluk, Thiruvallur District, now Maduravoyal Taulk, Chennai district, in view of the Common order dated 04.09.2017 passed in Writ petition Nos.17484 to 17493 of 2017 by this Hon'ble Court.

For Petitioner ... Mr.S.L.Sudarsanam

For Respondents ... Mr.R.P.Murugan Raja
Government Advocate

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent and quash the same, consequently, directing the 2nd respondent to consider the petitioner's Application dated 04.03.2023 and issue patta in the petitioner's name without insisting 'No Objection Certificate' (NOC) from the 3rd respondent in respect of the petitioner's lands (Regularization No.002511 dated 20.11.2001) bearing Plot Nos.1, 11, 19 and 23 comprised in Old Survey Nos.136/1, 137/1 & 138/2 presently in Survey No.136/1A, 137/1A1A1A1 and 138/2A1, all situated at Malligai Avenue, Nerkundram, Chennai – 600 067, in Nerkundram Village, formerly Ambattur Taluk, Thiruvallur District, now Maduravoyal Taulk, Chennai district, in view of the Common order



W.P.No.29920 of 2023

dated 04.09.2017 passed in Writ petition Nos.17484 to 17493 of 2017 by this Hon'ble Court.

2.The land originally belongs to the writ petitioner and on the said land, acquisition proceedings were initiated by the Tamil Nadu Housing Board by issuing notification under Section 4(1) of the Land Acquisition Act, 1984 vide G.O.Ms.No.124 dated 08.05.1975 published on 11.06.1975 and subsequent declaration under Section 6 was also issued and published on 09.06.1978. Against which, some of the land owners filed the writ petition and the writ petition was allowed by quashing the said acquisition proceedings and the petitioner is a subsequent purchaser from the owner against whom the acquisition proceedings were initiated. After quashing the said acquisition proceedings, the petitioner purchased the properties in the year 2001 & 2006. Therefore, the petitioner approached the 2nd respondent by way of an application dated 04.03.2023 for issuance of patta that was rejected stating that no objection certificate should be obtained from the third respondent. Therefore, the present writ petition has been filed.



W.P.No.29920 of 2023

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

4.On perusal of the records, it is seen that the petitioner is not the party in any of the writ petitions and while quashing the writ petition in W.P.No.18379 of 1991, the Court has also given liberty to the respondents that they can initiate the fresh acquisition proceedings, if the land is required for public purpose.

5.Under these circumstances, the respondents shall consider as to whether the land is wanted for the public purpose, whether they have initiated any fresh proceedings or they propose to initiate any fresh proceedings in public interest and pass fresh orders on the representation of the petitioner and communicate the same to the petitioner.



W.P.No.29920 of 2023

6. With the above direction, the impugned order is hereby set aside

and the respondents are directed to issue fresh orders indicating the stand which has been taken by the Government regarding the requirement of land within a period of three months from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No

02.11.2023

Internet : Yes/No

sms

To

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P.VELMURUGAN,J.



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