



W.P.Nos.11940 and 15207 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.11940 and 15207 of 2017

W.P.No.11940 of 2017

Felix M.Cruz

... Petitioner

versus

1.The Tamil Nadu Housing Board,
Rep.by its Managing Director,
483, Anna Salai, Nandanam,
Chennai – 600 035.

2.The Special Tahsildar (LA) V,
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai.

.....Respondents

[R2 suo motu impleaded vide order of this Court
dated 13.03.2018]

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records and impugned order in Letter No.L.A-1(5)/36241/2012 dated 26.10.2016 on the file of the respondent and quash the same and consequently direct the respondent to



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issue No Objection Certificate for construction purpose to petitioner's property of an extent of 2050 sq.ft in Plot No.35 comprised in S.No.632/1 as per Patta S.No.632/1B of Sholinganallur Village, situated in Neduncheziyan Street, Tambaram Taluk, Kancheepuram District within a time frame to be fixed by this Court.

For Petitioner : M/s.A.Evangelin & P.Gowri
For Respondents : Mr.A.M.Ravindranath Jeyapal
Standing Counsel for TNHB for R1
Mr.Veluchamy
Additional Government Pleader for R2

W.P.No.15207 of 2017

Felix M.Cruz

... Petitioner

versus

1.The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai – 9.

2.The Tamil Nadu Housing Board,
Rep.by its Managing Director,
483, Anna Salai, Nandanam,
Chennai – 600 035.

3.The Special Tahsildar (LA) V,
Tamil Nadu Housing Board Scheme,
Nandanam, Chennai.

.....Respondents

[R3 suo motu impleaded vide order of this Court
dated 13.03.2018]



W.P.Nos.11940 and 15207 of 2017

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to treat the land acquisition proceedings relied on in Letter No.A-1(5)/36421/2012 dated 26.10.2016 in respect of his plot of an extent of 2050 sq.ft in Plot No.35 comprised in S.No.632/1, as per Patta S.No.632/1B of Sholinganallur Village situated in Neduncheziyan Street, Tambaram Taluk, Kancheepuram District as lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

For Petitioner : M/s.A.Evangelin & P.Gowri

For Respondents : Mr.Veluchamy
Additional Government Pleader
for R1 and R3

Mr.A.M.Ravindranath Jeyapal
Standing Counsel for TNHB for R2

COMMON ORDER

W.P.No.11940 of 2017 has been filed to quash the impugned order in Letter No.L.A-1(5)/36241/2012 dated 26.10.2016 on the file of the respondent and consequently, direct the respondent to issue 'No Objection Certificate' for the purpose of construction in the petitioner's property measuring an extent of 2050 sq.ft in Plot No.35 comprised in S.No.632/1 as per Patta S.No.632/1B of Sholinganallur Village, situated in Neduncheziyan



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Street, Tambaram Taluk, Kancheepuram District within a time frame to be fixed by this Court.

2. W.P.No.15207 of 2017 has been filed seeking for issuance of Writ of Mandamus directing the respondents to treat the land acquisition proceedings relied on in Letter No.A-1(5)/36421/2012 dated 26.10.2016 in respect of the petitioner's plot measuring an extent of 2050 sq.ft in Plot No.35 comprised in S.No.632/1, as per Patta S.No.632/1B of Sholinganallur Village situated in Neduncheziyan Street, Tambaram Taluk, Kancheepuram District as lapsed in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

3. It is the claim of the petitioner that he purchased the subject property from one B.Muthulakshmi by virtue of a registered Sale Deed dated 21.12.2006 vide Doc.No.7333 of 2006 on the file of the SRO, Neelangarai. Further, the subject property with larger extent of adjoining properties were sought to be acquired for forming neighborhood Housing



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Colony by the Government through the Tamil Nadu Housing Board vide a notification dated 23.05.1990 G.O.Ms.No.454 Housing and Urban Development Department under Section 4(1) of Land Acquisition Act, subsequently, a declaration under Section 6 of the Land Acquisition Act was also issued, vide G.O.Ms.No.996, Housing and Urban Development Department, dated 17.06.1991. Challenging the same, the plot owners filed W.P.Nos.10240 of 1991 etc., before this Court. This Court, by order dated 24.1.1996, quashed the entire acquisition proceedings covered by two layouts. In the said judgment, this Court has recorded factual findings pertaining to location of layout on the fringe of the proposed scheme and also other relevant factors for quashing the proceedings. The further claim of the petitioner is that his vendor purchased the subject property, even before the proposed acquisition. The petitioner is the subsequent purchaser and he purchased the said property on 21.12.2006, i.e. after quashing of acquisition proceedings by the Division Bench of this Court.

4. The learned Standing Counsel appearing for the Tamil Nadu Housing Board submitted that already acquisition proceedings completed



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and Award has been passed. Based on the Award, the amount was deposited in the Civil Court. Reference also taken on file in L.A.O.P.No.156 of 1995 and possession also taken over from the owner of the property. The writ petitioner is the subsequent purchaser after quashing of acquisition proceedings and hence, he is not entitled to the relief sought for in this writ petition.

5. When the matter was taken up for hearing, this Court directed the learned Standing Counsel appearing for the Tamil Nadu Housing Board to produce the document to prove as to whether the Award amount has been deposited in the Civil Court.

6. Today, when the matter is taken up for hearing, the learned Standing counsel produced a copy of the Register, which clearly shows that the Award was passed in the year 1993 vide Award No.2/1993 and the amount also deposited vide L.A.O.P.No.156 of 1995 on 15.02.1994 itself before the competent Tribunal. Further, the then land owner handed over the possession to the Government and hence, the petitioner, who is none



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other than the subsequent purchaser, is not entitled to get the relief as sought for in these writ petitions as he purchased the property on 21.12.2016 which is earlier to his sale and completion of all proceedings.

7. Accordingly, these Writ Petitions are dismissed. However, there shall be no order as to costs. There shall be no order as to costs.

09.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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Tamil Nadu Housing Board,
483, Anna Salai, Nandanam,
Chennai – 600 035.
- 2.The Special Tahsildar (LA) V,
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P.VELMURUGAN, J.

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