



W.P.No.31169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31169 of 2023

J.Srividhya

D/o.T.S.Jayaraman

... Petitioner

versus

1. The Tahsildar
Maduravoyal Taluk
Phase-II, 2nd Main Roda
Nolambur, Chennai-600 095.
2. Tamil Nadu Housing Board
Rep. by its Managing Director
'ÇMDA' Complex, E & C Market Road,
Koyambedu, Chennai-600 107.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to process the petitioner's Application No.2023/0105/02/296078 dated 14.08.2023 without insisting No Objection from the 2nd respondent and grant patta for the petitioner's property viz., vacant land / house site bearing Plot No.86, Muniappa Nagar 1st Main Road, Nerkundram, Chennai-600 107, measuring an extent of 1400 sq.ft comprised in part of Survey Nos.125/2 and 125/3 of Nerkundram Village, Maduravoyal Taluk, Chennai District within a time frame.

Pg.Nos.1/7



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For Petitioner : Mr.K.R.Nishanth
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1
Mr.C.Kalaichelvan
standing counsel for TNHB
for R2.

ORDER

This writ petition has been filed seeking for a mandamus to direct the 1st respondent to process the petitioner's Application No.2023/0105/02/296078 dated 14.08.2023 without insisting for 'No Objection Certificate' from the 2nd respondent and grant patta in respect of petitioner's property viz., vacant land / house site bearing Plot No.86, Muniappa Nagar 1st Main Road, Nerkundram, Chennai-600 107, measuring an extent of 1400 sq.ft comprised in part of Survey Nos.125/2 and 125/3 of Nerkundram Village, Maduravoyal Taluk, Chennai District.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for first respondent. Mr.C.Kalaichelvan, learned standing counsel for Tamil Nadu Housing Board accepts notice for second respondent. By consent of both parties, the main writ petition is taken up



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for final disposal at the admission stage itself.

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3. It is the case of the petitioner that she purchased the subject matter property vide a sale deed dated 27.02.2012 registered as Document No.1080 of 2012 on the file of SRO, Virugambakkam. Originally, the larger extent of lands comprised in the aforesaid Survey Nos.125/2 and 125/3 were subjected to Land Acquisition Proceedings vide G.O.Ms.No.992 Housing dated 07.06.1986. The said acquisition proceedings were challenged before Hon'ble Division Bench of this Court in W.P.No.9018 of 1986 and the same came to be allowed on 28.01.1988 and the aforesaid acquisition proceedings in respect of the lands in Survey Nos.125/2 and 125/3 were quashed and the said lands were free from acquisition. While that being so, the petitioner applied for patta before the first respondent on 14.08.2023 by way of an application but the first respondent Tahsildar, who is the competent authority had not issued patta and stated that lands in Survey Nos.125/2 and 125/3 are under acquisition by the second respondent and unless the second respondent gives 'No Objection Certificate' patta cannot be issued. It is seen that patta was issued to other owners in the same survey number without



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even insisting for 'No Objection Certificate'. The main grievance of the petitioner is that non-issuance of patta by the first respondent despite filing of application and payment of necessary fees is totally improper, that too, the lands are free from acquisition proceedings. Hence, the writ petitioner approached this Court by filing the present writ petition.

4. Learned counsel for writ petitioner submits that three other plot owners in the same survey numbers approached this Court for the very same relief as sought for by the writ petitioner vide W.P.Nos.34354, 34355 & 34357 of 2022 and learned single Judge of this Court disposed of the said writ petitions with the following directions:

'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.'



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5. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the first respondent to consider the application of the petitioner dated 14.08.2023 and issue patta in the name of writ petitioner.

6. Even though the acquisition proceedings were quashed in the year 1988, the competent authority has not issued the patta in the name of original owners. Some of the land owners have got patta in their name by approaching this Court by filing writ petitions. Once the acquisition proceedings are quashed, it is the bounden duty of the revenue authorities to retransfer the property in the name of original owners automatically without insisting for 'No Objection Certificate'. In several cases, writ petitions are being filed after a long time of quashing of the acquisition proceedings due to inaction on the part of officials, especially, Revenue authorities. This is a one-off cases.

7. Accordingly, this Writ Petition is allowed and the respondents are directed to issue patta in favour of writ petitioner within a period of one



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month from the date of receipt of a copy of this order. If any proceedings are quashed and even though the same is not challenged by the beneficiary, the concerned authority would automatically retransfer the patta in the name of original owners within a reasonable time. If they failed to do so, then the competent authority will have to face the consequences and this Court will not hesitate to take *suo-motu* contempt proceedings against the concerned authority. There shall be no order as to costs.

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Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

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P.VELMURUGAN, J.

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