



W.P(MD)No.6471 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.6471 of 2023

M.Sumsutheen

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
- 2.The Managing Director
Tamil Nadu Housing Board,
Nanthanam, Annasalai,
Chennai.
- 3.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Unit,
TM Buildings,
Ramanathapuram.



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4.The Thasildar (LA)

Taluk Office,

Paramakudi,

Ramanathapuram District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Pa.Mu.(A3)/4940/2019 dated 14.10.2022 and quash the same as illegal and direct the 4th respondent to issue patta to the property of the petitioner in Survey No.536/2E to an extent of 19.00 ares of lands in Kamuthakudi Group, Paramakudi Taluk, Ramanathapuram District.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.J.Ashok - for R1 & R4

Special Government Pleader

Mr.S.Sumesh - for R2 & R3

Standing Counsel



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ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the first respondent / Revenue Divisional Officer proceedings in Pa.Mu. (A3)/4940/2019 dated 14.10.2022 and quash the same and direct the fourth respondent / Tahsildar (LA), Paramakudi, to grant patta to the petitioner for the lands in Survey No.536/2E measuring 19.00 ares at Kamuthakudi Group, Paramakudi Taluk, Ramanathapuram District.

2. In the affidavit filed in support of the Writ Petition, it had been stated that aforementioned lands in Survey No.536/2E belongs to the petitioner herein and the petitioner had applied for a copy of the computerised patta which was also issued. Thereafter, he wanted some rectification to be made. The petitioner was directed to approach the Special Tahsildar for Land Acquisition. The land had been originally acquired for Housing Board. But the acquisition was quashed in W.P.(MD) No.1132 of 1996 and by an order, dated 18.02.2022, the entire proceedings of acquisition by the Housing Board had been quashed.



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3. In the counter affidavit filed by the respondent, it had been stated as follows in paragraph No.6 :

" I submit that the land in Survey.No.536/2E was acquired by The Executive Engineer, Tamil Nadu Housing Unit vide, Award No.1/97-98 dated 30.09.97 and same was stand in the name of Housing Board Department. Despite of which the Writ Petitioner made application for issuance of Patta before 4th Respondent as to rectify the error in name of land holder and subsequently preferred appeal before 1st Respondent vide A3/4940/2019 and 1st Respondent passed Impugned order vide proceedings in Pa.Mu. (A3)/4940/2019 dated 14.10.2022 had rightly rejected the appeal and explicit the fact that the property was acquired by Tamil Nadu Housing Board Department. I submit the Writ Petitioner without challenging the Award passed by the Respondent Housing Board Department. I submit that some of the land owners had preferred writ petition before the principal Bench of this Hon'ble Court in W.P.No.1131 to 1133 of 1996 in respect of their respective land and same is also allowed and appeal against the order also been dismissed and further another some land owner had also preferred Writ petition before this Hon'ble court



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in W.P.No.574 of 2010 and same also been allowed to that land owners. In 1993 vol 4 SCC Pg.no.255 Shyam Nandan prasad Vs State of Bihar in which Hon'ble Apex court held that quashing of acquisition proceeding at the instance of one or two land owners doesn't have the effect of quashing entire land acquisition and in the present case also Based on the above writ order the writ petitioner seeking to issue a patta in his name which had been already acquired by the Housing Board department can't be maintainable."

4. In the said counter, contradictory stand had been taken that though the acquisition had been quashed, the order would ennure to other petitioners, or those who had not approached the Court.

5. A further perusal of the order quashing the acquisition proceedings reveal the following :

"2.The petitioner has filed this writ petition challenging the proceedings under the Land Acquisition Act. Though several points have been raised, it is unnecessary to notice the contentions as the writ petition is to be allowed on the question relating



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to nonpublication of the declaration under Section 6(1) within the stipulated period. The notification under Section 4-1 of the Land Acquisition Act was made in G.O.Ms.No.681, Housing and Urban Development Department on 19.10.1994 and published in the Gazette on 16.11.1994. The declaration under Section 6(1) was made on 1.12.1995 admittedly, beyond one year from the date of publication under Section 4-1. There is no other material on record to indicate that 4-1 notification had been published within a period of one year of the declaration under Section 6(1) of the Land Acquisition Act. In such view of the matter, taking in view of the provisions contained in Section 6(1) proviso (ii) of the Land Acquisition Act, the land acquisition proceedings are to be quashed. The writ petition is allowed. No order as to costs. WMP.1774/96 is closed."

6. It is thus evident that the entire proceeding has been quashed. It is not with respect to a particular individual portion, but the entire land acquisition proceedings.



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7. In view of the same, this order would enure to the petitioner herein.

8. A direction is given to the fourth respondent to provide patta for the aforementioned lands of the petitioner herein. The said exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition stands allowed. No costs.

16.06.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

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