



W.P.(MD) No.10061 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.10061 of 2020
and WMP(MD) No.8967 of 2020

S.Vijayalakshmi

... Petitioner

Vs

- 1.The Chairman and managing Director,
Tamilnadu Housing Board,
493 Annasalai
Nandanam, Chennai 35
2. The Executive Engineer and Administrative Officer,
(General), Madurai Housing Unit,
Ellis Nagar Scheme, Ellis Nagar, Madurai 625 010.
- 3.The District Revenue Officer,
Madurai Collectorate Buildings,
Madurai 20
- 4.The Tahsildar
Thirupparankundram Taluk
Tirunagar, Madurai Town
- 5.The Commissioner,
Madurai Corporation,
Thallakulam, Madurai.

6.Rajesh Kannan

... Respondents



W.P.(MD) No.10061 of 2020

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the 6th respondent from making construction over the petitioner's land of 7-1/2 cents out of 0.90 cents in Old R.S.No.8/5 situated at Madurai Taluk, No. 24 Madakulam Village (Ellis Nagar), Patta No.778 now comes under Block No.52 Survey Ward No.IV, T.S.No.13 Thirupparankundram Taluk, Madurai District vide Document No.4623 of 1963 dated 18.10.1963 and directing the 4th respondent to survey petitioner's above land and to transfer the patta in the petitioner's name and further direct the respondents 1 and 2 to issue no objection certificate (NOC) to the petitioner within a time frame as fixed by this Court on the petitioner's representation dated 11.08.2020.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.A.Kannan for R1 & R2
Mr.A.K.Manikkam for R3&R4
Special Government Pleader
Mr.A.Nagendran for R5
Mr.R.Venkatesan for R6

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the first and second respondents to give no objection certificate and for a direction to the fourth respondent to survey the land and to issue patta in the name of the petitioner.



W.P.(MD) No.10061 of 2020

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The case of the petitioner is that the subject property purchased by the husband of the petitioner was acquired by the housing board. The further case of the petitioner is that insofar as the land that was acquired from the husband of the petitioner, the acquisition proceedings were dropped through G.O.No.24 dated 14.07.2008. The husband of the petitioner had applied for no objection certificate from the first and second respondents and also had approached the fourth respondent seeking for survey of the property and to grant patta in his name. The husband of the petitioner died on 02.10.2017. In the meantime, the sale deed came to be executed with respect to the same subject property in favour of the 6th respondent and the 6th respondent also started claiming right over the subject property. In view of the same, the petitioner gave a representation dated 10.08.2020 and 11.08.2020 to the respondents. Since the same were not considered, the present writ petition has been filed.



W.P.(MD) No.10061 of 2020

4. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the second respondent to consider the representation made by the petitioner on 11.08.2020 and deal with the same on its own merits and in accordance with law and take a decision with regard to the issuance of no objection certificate. There shall also be a further direction to the fourth respondent to consider the representation made by the petitioner on 10.08.2020. While considering the representation, the fourth respondent shall issue notice to the petitioner as well as the 6th respondent and conduct an enquiry to decide conducting the survey in the subject property. This process shall be completed by the fourth respondent within a period of six weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of with the above direction.
No costs. Consequently connected Miscellaneous Petition is closed.

04.10.2023

NCC : Yes/No
Index : Yes/No

RR

4/6



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N.ANAND VENKATESH, J.

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WP. (MD)No.10061 of 2020

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