



W.P(MD)No.5572 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5572 of 2016

and

W.M.P.(MD) Nos.6337 & 6338 of 2023

K.Padmavathi

...Petitioner

Vs.

1.Tamil Nadu Housing Board

Rep. by its Chairman and Managing Director,

Anna Salai,

Nandanam,

Chennai - 18.

2.The Special Tahsildar (Land Acquisition),

Madurai South

Neighbourhood Scheme-Unit II,

Madurai.



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3.The Tahsildar

Madurai South,

Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to conduct the enquiry in connection with issuance patta in the name of Padmavathi, Malarkodi, Amutharani and Anbazhagan based on the petitioner's representation dated 26.02.2016 at the earliest.

For Petitioner : Mr.R.Ganapathi Subramanian

For Respondents : Mr.R.Sivakumar - for R1

Standing Counsel

Mr.G.Surya Ananth - for R2 & R3

Additional Government Pleader

ORDER

The petitioner filed an application for grant of patta for



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the land in Survey No.42/2 of Thoppur village, South Taluk,
Madurai.

2. Pending this Writ petition, the petitioner namely, Padmavathi died and the legal heirs have filed an application to implead them and the same is pending. Now the respondents have filed a counter contending that this land in Survey No.42/2 has already been acquired by the Government for the purpose of Tamil Nadu Housing Board and compensation have also been deposited in the name of the owners as per the revenue records.

3. According to the respondents, the land in survey No. 42/2 stands in the name of one Pandithevar and the award amount for the acquisition has been deposited in the name of Pandithevar before the Sub Court, Madurai. He further submits that now patta stands in the name of Housing Board and therefore, this Writ Petition is not maintainable.



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4. The learned counsel for the petitioner has filed an applications to implead the legal heirs of the petitioner and to amend the prayer with a relief to quash the land acquisition proceedings that the land has been acquired without issuing notice to the petitioner. This Writ Petition was filed by one Padmavathy, for the relief of granting patta in favour of her. After filing of the counter affidavit by the respondents, the legal heirs of the petitioner have now filed an amendment application. Instead of pursuing the amendment petition, the petitioner's legal heirs can very well file a fresh Writ Petition.

5. Accordingly, this Writ Petition is dismissed with liberty to the petitioner's legal heirs to file a fresh Writ Petition. No costs. Consequently, connected miscellaneous petitions are closed.

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



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B.PUGALENDHI, J.

RM

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