



W.P.No.368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.368 of 2024

Karuna Sargunam

... Petitioner

versus

- 1.The Managing Director,
Tamil Nadu Housing Board,
Koyambedu, Chennai – 600 107.
- 2.The District Revenue Officer,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai – 600 107.
- 3.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Sampath Nagar, Erode.



W.P.No.368 of 2024

4.The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
Tamil Nadu Housing Board,
Brough Road, Erode, Erode District.

5.The Tahsildar,
Erode Taluk, Erode,
Erode District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to issue necessary orders for change over Patta in the petitioner's name in respect of land situated at Old S.Nos.479/2B and 480/2, Erode E-Village, Erode District to an extent of 1.36.0 hectare and 0.48.0 hectare, respectively.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Kalaichelvan
Standing Counsel for TNHB
for R1 to R3
Mr.T.Arun Kumar
Additional Government Pleader
for R4 and R5



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W.P.No.368 of 2024

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, directing the respondents to issue necessary orders for change over Patta in the petitioner's name in respect of land in Old S.Nos.479/2B and 480/2, measuring to an extent of 1.36.0 hectare and 0.48.0 hectare, respectively situated at Erode E-Village, Erode District.

2. Heard both sides and perused the materials available on record.

3. Learned Standing counsel appearing for respondents 1 to 3, by referring to the counter affidavit of the third respondent, reiterated paragraph No.4 and the same is extracted hereunder :

"4. It is respectfully submitted that the averment made by the petitioner in para (4) is not correct. The application requesting for changes in the Patta relevant to S.F.No.479/2B and 480/2 of Erode 'C' Village, Erode District is kept pending for want of clarification and No



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W.P.No.368 of 2024

Objection Certificate from my office, since the subject land was acquired for Tamil Nadu Housing Board by the proceedings of the then Special Tahsildar (Land Acquisition) Erode in L.A.No.2/90/A and Award No.5/94 dated 03.08.1994. In this regard, when seeking clarification, the 1st and 2nd respondents have instructed me in the reference No.L.A.2(3)/17495/2022 dated 16.08.2023 to submit report in a questionnaire form. Accordingly, a report in a questionnaire form contains 54 questions have been duly filled up and submitted to the 1st respondent in our office reference No.L.A.1/Survey/3621/2022 dated 04.12.2023. On receipt of guidelines/instructions from the 1st and 2nd respondents, the same will be communicated or No Objection Certificate will be issued to the 5th respondent in order to carry out the changes in the Patta relevant to S.F.No.479/2B and 480/2 of Erode 'C' Village, Erode District."



W.P.No.368 of 2024

4. In view of the above, this Court, without expressing any view or opinion with regard to the merits of the case, directs the respondents to consider the representation dated 06.03.2023 and pass appropriate orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as interested parties if any. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of.

However, there shall be no order as to costs.

12.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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W.P.No.368 of 2024

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W.P.No.368 of 2024

P.VELMURUGAN, J.

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W.P.No.368 of 2024

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