



W.P. No.584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.584 of 2024 and
W.M.P.No.569 of 2024

S.Bharath Kumar

... Petitioner

Vs.

1. The Sub Registrar
Hosur, Krishnagiri District

2. The Managing Director
Tamil Nadu Housing Board
CMDA, Building, E&C Market Road
Koyambedu
Chennai - 600 107

3. The Executive Engineer-cum-Administrative Officer
Tamil Nadu Housing Board
Hosur Housing Unit
Hosur - 635 109
Krishnagiri District

4. The Tahsildar
Taluk Office, Hosur
Krishnagiri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip No.RFL/Hozur/143/2023 dated 16.12.2023, quash the same and consequently direct the 1st respondent to



W.P. No.584 of 2024

admit the execution, register the sale deed dated 22.11.2023 executed by the petitioner and release the document after registration within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar
For R1 and R4 : Mr.R.Neethi Perumal
Government Advocate
For R2 and R3 : Mr.S.Ramachandran
Standing Counsel for TNHB

ORDER

The Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal check slip No.RFL/Hozur/143/2023 dated 16.12.2023, quash the same and consequently direct the 1st respondent to admit the execution, register the sale deed dated 22.11.2023 executed by the petitioner and release the document after registration, within the time to be stipulated by this Court.

2. The case of the petitioner is that the petitioner's land was acquired by notification under Section 4(1) of the Land Acquisition Act dated 30.04.1991 and the said notification was subsequently challenged in WP No.31591 of 2024 and this Court, by order dated 01.04.2016, quashed the notification under Section 4(1) of the Land Acquisition Act dated 30.04.1991. Thereafter, the petitioner has executed a sale deed dated



W.P. No.584 of 2024

WEB COPY

22.11.2023, in favour of one Mrs.Jothi Madeshwaran and presented the same before the 1st respondent for registration on 16.12.2023, whereas, the 1st respondent herein, refused to register the same and passed the impugned refusal check slip by citing the letter dated 23.03.2023, issued by the 3rd respondent recommending not to register any document in favour of the subject land. Hence, the present Writ Petition is filed.

3. When the matter came up before this Court on 13.03.2024, this Court had directed the respondents 1 and 3 to appear before this Court on 18.03.2024 and further, the 1st respondent was directed to produce the letter issued by the 3rd respondent who objected to register the document and the case was ordered to be listed on 18.03.2024.

4. Accordingly, today (18.03.2024), when the matter is taken up for hearing, the 3rd respondent/Mr.A.Basker, Executive Engineer and Administrative Officer, TNHB/Hosur Hosuing Unit, Hosur and the 1st respondent/Ms.A.Shakila Begum, Sub registrar (i/c), Hosur, appeared before this Court.

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

6. It is seen from the records that though the subject land was subjected to acquisition by notification dated 30.04.1991, the 4(1)



W.P. No.584 of 2024

notification dated 30.04.1991 was subsequently quashed by this Court in W.P.No.31591 of 2024 by order dated 01.04.2016 itself. Thereafter, the respondents have not filed any appeal or obtained any order of stay and they were simply quit. Thereafter, when the land owner sold the land to third party after six years and presented the sale deed for registration, the 1st respondent has refused to register the same based on the letter issued by the 3rd respondent.

7. Once the notification under Section 4(1) of the Land Acquisition Act was quashed and the respondents have not filed any material to show that the order of this Court dated 01.04.2016 in WP No.31591 of 2024 is under challenge, the impugned refusal check slip issued by the 1st respondent, is unwarranted.

8. Therefore, the impugned refusal check slip No.RFL/Hozur/143/2023 dated 16.12.2023, issued by the 1st respondent is hereby quashed. The 1st respondent is directed to register the said document if the same is otherwise in order and if there is no other legal impediment, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.



W.P. No.584 of 2024

WEB COPY

10. Before parting with this case, it is to be noted that the according to the learned Standing Counsel for the Tamil Nadu Housing Board appearing for the respondents 2 and 3, the possession was already taken and the amount was also deposited, whereas, the notification under Section 4(1) of the Land Acquisition Act was already quashed by this Court vide order dated 01.04.2016 in WP No.31591 of 2024 and till now, the respondents have not challenged the same by way of filing appeal and they are simply keep quit. Therefore, this Court suspects that the officials are colluded with the land owners and entered into conspiracy and thereby, allowing the land owners to get the benefit from the Court.

11. Hence, the Central Bureau of Investigation (CBI), Chennai is directed to register a case against the officials of the Tamil Nadu Housing Board, the requisition body as well as the acquisition body who are all in collusion and conduct investigation and file a report before this Court, within a period of four months from the date of receipt of a copy of this order.

18.03.2024

Index : Yes / No
Neutral Citation Case : Yes/No
ksa-2



W.P. No.584 of 2024

WEB COPY To

1. The Sub Registrar
Hosur, Krishnagiri District
2. The Managing Director
Tamil Nadu Housing Board
CMDA, Building, E&C Market Road
Koyambedu
Chennai - 600 107
3. The Executive Engineer-cum-Administrative Officer
Tamil Nadu Housing Board
Hosur Housing Unit
Hosur - 635 109
Krishnagiri District
4. The Tahsildar
Taluk Office, Hosur
Krishnagiri District

Copy to

The Central Bureau of Investigation
Chennai



WEB COPY



W.P. No.584 of 2024

P.VELMURUGAN. J.

Ksa-2

W.P.No.584 of 2024
and
W.M.P.No.2709 of 2024

18.03.2024