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W.P. No.2805 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2805 of 2024

M.Riazuddin Sheriff

... Petitioner

Vs.

1. The Principal Secretary
Housing and Urban Development (UDI) Department
Chennai - 600 009
2. The Secretary
Revenue Department
Fort St. George
Chennai - 600 009
3. The Managing Director
Tamil Nadu Housing Board,
Koyambedu
Chennai - 600 107
4. The District Collector
Chennai District
Collector Office
Singaravelar Maligai
Chennai - 600 001
5. The District Revenue Officer
Collector Office
Singaravelar Maligai
Chennai - 600 001



6. Revenue Divisional Officer (Central)
West Mogappair
Anna Nagar, Chennai

7. The Tahsildar
Mambalam Taluk Office
Chennai - 600 078

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 4 to 7 to issue patta to the petitioner in respect of their land measuring about 6200 Sq.ft. of land in Survey No.51 and Block No.8 and Old S.No.36/1 (part) and 37/18 (Part) in Kodambakkam Village bearing Plot No.1, in Ashok Nagar Housing Board Scheme, by reclassifying the lands from Government Sarkar Natham Poramboke to Ryotwari Housing site in pursuance to the direction issued by the 4th respondent in his letter 11.05.2023 and in pursuant to the petitioner's representations dated 23.11.2021 and 18.11.2023 within the period to be fixed by this Court.

For Petitioner : Mr.M.Muniruddin Sheriff

For R1, R2 and R4 to R7 : Mr.A.Selvendran
Special Government Pleader

For R3 : Mr.A.M.Ravindranath
Standing Counsel for TNHB

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents 4 to 7 to issue patta to the petitioner in respect of their land measuring about 6200 Sq.ft. of land in Survey No.51 and Block No.8 and Old S.No.36/1 (part) and 37/18 (Part) in Kodambakkam Village



bearing Plot No.1, in Ashok Nagar Housing Board Scheme, by reclassifying the lands from Government Sarkar Natham Poramboke to Ryotwari Housing site in pursuance to the direction issued by the 4th respondent in his letter 11.05.2023 and in pursuant to the petitioner's representations dated 23.11.2021 and 18.11.2023 within the period to be fixed by this Court.

2. The learned counsel for the petitioner submitted that the subject matter of property was originally allotted to the petitioner's father namely Mahaboob Sheriff under the Ashok Nagar Scheme by the Tamil Nadu Housing Board and subsequently, the Tamil Nadu Housing Board executed a Sale Deed for the said property by way of Document No.2356/1981 registered in the office of the Sub Registrar, Kodambakkam and he was in possession and enjoyment of the same. Thereafter, the petitioner's father constructed an independent house after obtaining necessary permission from the Corporation of Chennai. On 28.02.2001, the petitioner's father passed away leaving behind his wife, 5 sons and 2 daughters to succeed to his estate and that the petitioner was looking after the property. While being so, the petitioner and other legal heirs the said Mahaboob Sheriff decided to demolish the building and to construct a new building and since they were not able to trace the Patta copy, they applied for Patta before the Tahsildar/7th respondent during which, they came to know that the land is situated in Survey No.51 Block No.8, but in the



Sale Deed it was wrongly mentioned as Survey No.50 Block No.51. The said error was subsequently rectified by way of rectification deed in Doc. No.1634 of 2019 executed by the Tamil Nadu Housing Board. Thereafter, they approached the revenue authorities seeking issuance of Patta, whereas, the revenue authorities rejected the claim of the petitioner stating that originally the property was classified as “Natham Sarkar Poramboke” and it does not belongs to the Tamil Nadu Housing Board and that there is a delay in filing the petitioner for reclassification. The petitioner also filed appeal before the District Collector of Chennai and subsequently, enquiry was conducted. Thereafter, he received a letter dated 11.05.2023 from the Additional Personal Assistant to Collector (APA) (Land), Chennai (DRO) stating that the records have been forwarded to the Empowered Committee to pass G.O. constituted by the Government for reclassification and classification of the same and awaiting orders of the said Committee. Even after awaiting for years together, since the petitioner could not get a fruitful result from the respondents, he has filed the present writ petition.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents1, 2 and 4 to 7. Mr.A.M.Ravindranath Jeyapal, learned Standing Counsel for TNHB takes notice for the 3rd respondent.



4. Heard and perused the materials available on record.

5. Admittedly, the subject property is covered under the Housing Scheme. Though there was some error in the sale deed, subsequently, the same was rectified by the Tamil Nadu Housing Board by execution of rectification deed. Further, the letter issued by the office of the District Collector dated 11.05.2023 shows that steps have been taken for reclassification of the said property. The issue involved in this case is between the Tamil Nadu Housing Board and the Revenue Authorities.

6. Therefore, the concerned respondents are directed to consider the petitioner's representation dated 23.11.2021 and the subsequent representation dated 18.11.2023 and issue notice to all the parties namely the petitioner and the Tamil Nadu Housing Board and also to the rival claimants/interested parties/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.



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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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