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W.P.No.5148 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.5148 of 2024

D.Nandakumar

..... Petitioner

-Versus-

1.The Secretary to the Government,
Housing and Urban Development Department,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai.

2.The Chairman,
Tamil Nadue Housing Board,
CMDA Complext, E & C Market Road,
Koyambedu, Chennai 60017.

3.The District Collector,
Coimbatore.

4.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

5.The Special Tahsildar,
(Housing Unit-3),
Tamil Nadu Housing Board,
Coimbatore.

[5th respondent was suo motu impleaded as per order
dated 02.04.2024 in W.P.No.5148 of 2024]

..... Respondents



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Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to do the needful to effect the mutation of revenue records and to hand over the remaining extent of 75 cents of land at S.No.19/3, Ganapathi village, Coimbatore (North) Taluk, Coimbatore, to the petitioner in pursuance of the orders passed in W.P.No.12576 of 1989 dated 22.04.1997.

For Petitioner : *Mr.G.K.R.Pandian*

For Respondent (s) : *Mr.U.Barathidharan,*
Additional Government Pleader
for RR1, 3 & 4
Mr.V.Gunasekar for R2

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents to do the needful to effect the mutation of revenue records and to hand over the remaining extent of 75 cents of land at S.No.19/3, Ganapathi village, Coimbatore (North) Taluk, Coimbatore, to the petitioner in pursuance of the orders passed in W.P.No.12576 of 1989 dated 22.04.1997.

2. It is the case of the petitioner that he is the absolute owner of a land measuring an extent of 1.85 Acres comprised in S.No.19/3 at Ganapathi village, Coimbatore Taluk and District. It was acquired by the Government for



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the purpose of construction of houses by the Tamil Nadu Housing Board

(TNHB) under Section 4(1) of the Land Acquisition Act, 1894. However, on a challenge in W.P.No.12576 of 1989, this Court by order dated 27.04.1997 quashed the entire acquisition proceedings. No appeal was preferred as against the order in W.P.No.12576 of 1989 either by the Government or TNHB till date. Hence, the order made in W.P.No.12576 of 1989 quashing the entire proceedings in respect of subject property has become final. Thereafter, the petitioner had sought mutation of his name in the revenue records but, it was not considered. Therefore, the petitioner had to file a writ petition in W.P.No.28783 of 2012 and this court by order dated 01.11.2012 directed the 3rd respondent herein to consider the representation dated 01.10.2012 for mutation of the petitioner's name in the revenue records. However, mutation in his name was effected only in respect of 1.10 acres in other words 0.4526 square feet of land which was then in the possession of the petitioner and his request was not considered in respect of the remaining land though the land acquisition proceedings were quashed already in 1997. Thereafter, he made another representation on 12.08.2023 for which the reply was sent stating that government will verify the records and reply. The grievance of the petitioner is that till date no reply was received and he has been made to run from pillar to



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post to get mutated his name in the revenue records in respect of the entire land. Hence, this writ petition.

3. Heard both sides.

4. The learned Additional Government Pleader appearing for the respondents 1, 3 and 4 while admitting the factual position that the entire land acquisition proceeding in respect of 1.8 Acres had been quashed and neither appeal was filed as against the same nor no fresh proposal for acquisition of land is pending.

5. The learned standing counsel appearing for the TNHB who was present in the court would also admit the above factual position.

6. In view of the above factual position, this court directs the respondents to consider the representation of the petitioner dated 12.08.2023 in accordance with law and pass orders mutating the name of the petitioner in all the revenue records in respect of the subject land within a period of two months from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly with the above directions.

No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

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To

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N.SATHISH KUMAR.J.,
kmk

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