



W.P.No. 7473 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 7473 of 2024

C.G.Sugumar

... Petitioner

versus

1.The Executive Engineer,
Tamil Nadu Housing Board,
Sampath Nagar, Erode – 638 011.

2.The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme,
Erode and District, Pin-638 009.

3.The Tahsildar,
Erode Taluk and District,
Erode.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to consider to transfer the patta of the Land/Plots 17,18, and 19 in S.F.No.485/1 Erode

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Village, Erode Taluk and Erode District to the petitioner based on his representation dated 21.12.2023.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.C.Kalaichelvan
Standing Counsel for TNHB for R1

Mr.T.Arun Kumar
Additional Government Pleader
for R2 and R3

ORDER

Mr.C.Kalaichelvan, learned Standing Counsel for TNHB accepts notice for the first respondent and Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for respondents 2 and 3. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the third respondent to consider the representation of



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the petitioner dated 21.12.2023 and transfer the patta of the land / plots 17,18, and 19 in S.F.No.485/1 Erode Village, Erode Taluk and Erode District in the name of the petitioner.

3. The case of the petitioner is that he purchased the subject properties by virtue of registered sale deed from Krishnaveni and Parvatham and since then, he is in continuous possession and enjoyment of the said properties. The further case of the petitioner is that earlier acquisition proceedings initiated by the second respondent in respect of the subject properties was set aside by this Court in W.P.No.8231 of 1998. That being so, the petitioner made several representations to the third respondent to transfer the Patta in respect of the subject properties in his favour, as the Patta stands in the name of the vendors of the petitioner. However, the third respondent insisted the petitioner to get 'No Objection Certificate' from the first respondent. Hence, the petitioner has made a representation dated 21.12.2023 to the first



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respondent and third respondent, seeking to issue 'No Objection Certificate' and transfer of Patta in respect of the subject property in the name of the petitioner. Since there was no response from the respondents till date, the present writ petition is filed.

4. The learned counsel for the petitioner further submitted that it would suffice, if a direction is issued to the third respondent to consider the representation of the petitioner dated 21.12.2023.

5. The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner would be considered on merits and in accordance with law.

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

7. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the third respondent to consider and decide. Thus, this writ petition is disposed of, only with a direction to



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the third respondent to consider the representation of the petitioner dated 21.12.2023 and pass 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/rival claimants/objectors/aggrieved parties, if any. Such exercise shall be done by the third respondent within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

21.03.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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P.VELMURUGAN, J.

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