



W.P.No.7909 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7909 of 2019

V.Nagarajan

... Petitioner

Vs

1. The Commissioner,
Corporation of Coimbatore,
R.S.Puram,
Coimbatore – 641 002.
2. The Assistant Commissioner of Corporation
(West Zone), Coimbatore,
R.S.Puram,
Coimbatore – 641 002.
3. The Chairman,
Tamil Nadu Housing Board,
Nandhanam,
Chennai.
4. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore – 641 012.
5. The Tahsildar,
Coimbatore (North),
Coimbatore District.



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6. The Special Tahsildar (L.A),

Housing Scheme,

Tatabad, Coimbatore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first and second respondents to process the application made by the petitioner dated 21.10.2018 vide Registration No. DTCP/P/0507157/2017 seeking regularization of the petitioner's unapproved plot No.50 comprised in Survey No.340, Telugupalayam Village, Coimbatore District, without insisting for No Objection Certificate from the Tamil Nadu Housing Board.

For Petitioner : Mr.A.Maheshnath

For Respondents : Mr. K.Makesh,
Standing Counsel (for R1 & R2)
Mr. V.Gunasekar,
Standing Counsel (for R3 & R4)
Mr.S.J.Mohamed Sathik,
Government Advocate (for R5 & R6)

O R D E R

The Writ Petition has been filed for directing the first and second respondents to process the application submitted by the petitioner dated 21.10.2018 seeking regularization of the petitioner's unapproved plot No.50 comprised in Survey No.340, situated at Telugupalayam Village, Coimbatore District.



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2. The land of an extent of 1 acre comprised in S.F.Nos.340 and 343(part), situated at Telugupalayam Village, Coimbatore District, originally belonged to one Late.Thimmappa. One Sathyamoorthy and Manickam along with their father, the said Late.Thimmappa, jointly owned 9.01 acres of land comprised in S.F.Nos. 340 and 344 respectively and thereafter, they developed the said property into house-sites and sold the same to various persons. One C.Muralidharan had purchased one house-site Plot admeasuring an extent of 2,480 sq.ft comprised in S.F.No.340 shown as plot No.50 in the plan. Subsequently, the petitioner had purchased the said house plot from the said C.Muralidharan by registered sale deed dated 16.12.1980, vide registered as Document No.4629 of 1980. While that being so, there was acquisition proceedings initiated under the Land Acquisition Act, 1894. It was challenged before this Court by the petitioner along with the other house owners in W.P. Nos. 13613, 15597 to 15599 and 16542 to 16544 of 2013. While pending these Writ Petitions, the New Land Acquisition Act, viz., the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Settlement Act, 2013 (hereinafter referred to as 'the New Act' for short) came into force on and from 01.01.2014. The possession of



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the subject property was taken and compensation amount was not paid to the petitioner. Further, the said Writ Petitions were allowed by this Court by common order dated 15.04.2016 and thereby, the entire land acquisition proceedings, were quashed in view of Section 24 (2) of the New Act. Subsequently, the petitioner was also issued Patta in the plot, which was purchased by him after effecting changes in the Revenue Records. Thereafter, on the strength of the patta and the original sale deed, the petitioner submitted an application seeking regularization of the unapproved plot before the first respondent and it is pending.

3. The learned Standing Counsel appearing for the third and fourth respondents submitted that, as against the said order passed by this Court, the fourth respondent has filed a Writ Appeal in W.A.No.1403 of 2021 and it is pending without any interim order. However, the application submitted by the petitioner is still pending with the first and second respondents on the ground that the third and fourth respondents sent a letter not to grant any approval, since they filed Writ Appeal and it is pending.



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4. It is made clear that mere pendency of the Writ Appeal, it is not an impediment for the first and second respondents to consider the said application submitted by the petitioner seeking approval of his plot, if it is otherwise in order. Admittedly, the petitioner is in possession and enjoyment of the residential plot and he was also issued Patta by effecting mutation of Revenue Records in his favour.

5. In view of the above, the first and second respondents are directed to consider and pass appropriate orders on the application dated 21.10.2018 submitted by the petitioner seeking regularization of unapproved plot, within a period of eight weeks from the date of receipt of a copy of this order in accordance with law.

6. In fine, the Writ Petition is disposed of with the aforesaid observations. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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