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W.P.No.12388 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12388 of 2024

R.Seetharaman

...

Petitioner

versus

1.The Inspector General of Registration,
Office of the Inspector General of Registrations,
Chennai.

2.The District Registrar,
Office of the District Registrar,
South Chennai.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Pallavaram, Chennai.

4.The Executive Engineer and Ado,
Tamilnadu Housing Board (TNHB),
Besant Nagar Division,
Adayar, Chennai - 20.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent No.3 to register the document pertaining to the land in Survey No.323/11D extent of 77 cents and Survey No.323/11B1 extent of 40 cents located at Keelkattalai



Village, Pallavaram Taluk, Chennai District, in light of the representation dated 21.04.2024.

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For Petitioner

: Mr.C.Iyyapparaj

For Respondent Nos.1 to 3

: Mr.P.Anandhakumar
Government Advocate

For Respondent No.4

: Mr.A.M.Ravindranath Jayapaul

ORDER

This Writ Petition is filed to direct the third respondent to register the petitioner's land viz. Survey No.323/11D measuring an extent of 77 cents and Survey No.323/11B1 measuring an extent of 40 cents, situated at Keelkattalai Village, Pallavaram Taluk, Chennai, by considering the petitioner's representation dated 21.04.2024.

2. Though the petitioner is not a party to the earlier batch of writ petitions, this Court, by an order, dated 11.06.1999, quashed the entire land acquisition proceedings, on the ground of non compliance of Rule 3 (b) of the Act and also on the ground that Section 6 declaration was not issued within the period of one year from the date of 4 (1) Notification.



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3. Appeal filed as against the order of the learned Single Judge is also dismissed in W.A.(SR).No.9270 of 2011, *vide* order dated 29.04.2013. Further, no other Notification whatsoever was issued to acquire the lands. Hence, insisting on No Objection Certificate from the respondents is not at all required and it is the stand of the petitioners that similarly situated persons filed W.P.Nos.17818 and 10783 of 2011 and this Court, by an order, dated 26.02.2018 and 16.09.2019 respectively, held that since the land acquisition proceedings initiated by the Government of Tamil Nadu have already been quashed, *vide* order dated 11.06.1999 in W.P.No.20300 of 1994, the first respondent therein was directed to consider the request of the petitioner for grant of planning permission within a period of two weeks from the date of receipt of the said order.

4. Mr.A.M.Ravindranath Jayapaul, learned counsel appearing for the fourth respondent submitted that as the petitioner has not challenged the acquisition proceedings, earlier judgment will not apply. According to the learned counsel, judgment passed in the earlier writ petition is only a judgment *in personam* and not a judgment *in rem*. Hence, the petitioner is not entitled for No Objection Certificate.



5. Relying upon the judgment made in Civil Appeal No.8197 of 2022, dated 02.12.2022, LAND ACQUISITION COLLECTOR (SOUTH), NEW DELHI AND ANOTHER Vs. SURESH B.KAPUR & ORS, wherein the Hon'ble Supreme Court has held that judgment would be applicable only to the petitioners and would not be a judgment *in rem* and the issue before the Apex Court in Civil Appeal No.8197 of 2022 was whether the acquisition of lands in question is deemed to have lapsed under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. I have perused the entire materials available on record.

7. In the land acquisition proceedings, totally 23.43.5 hectares were acquired. Though the petitioner was not a party before this Court in the challenge to the Notifications issued under Sections 4 and 6 of the Land Acquisition Act, this Court, considering the fact that as there was non-compliance of Rule 3 (b) of the Act and Section 6 Declaration was not issued, within a period of one year, from the date of 4 (1) Notification, the entire acquisition proceedings were quashed. When the procedural mandate



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provided under the Land Acquisition Act, 1894 was not complied with, which, on challenge, was quashed in entirety by this Court, merely because the petitioner was not a party in the earlier writ petition would not be a bar for the petitioner to claim the relief which had enured in favour of the petitioners, who had challenged the acquisition proceedings. The illegalities perpetrated in the non-compliance of the procedural formalities in the acquisition process cannot legalise the acquisition process, thereby setting at naught the relief available to the petitioner herein merely on the ground that the petitioner herein had not challenged the acquisition proceedings anterior in point of time.

8. The decision relied on by the respondent in **Suresh B.Kapur's** case totally stands on a different footing, as in the said case, while a few persons challenged the acquisition process by filing W.P.No.1639 of 1995, which acquisition process was quashed by the High Court, however, at the same point of time, the impugned acquisition proceedings was under challenge before the Supreme Court in the case of UNION OF INDIA -VS- GURDEEP SINGH UBAN and therein, based on the above stated scenario, the Supreme Court held that the judgment in W.P. No.1639 of 1985 would



not be a judgment *in rem*. However, the case on hand is totally different and in no way fits with the facts and circumstances of the case as was projected before the Supreme Court in *Gurdeep Singh Uban's case* and, therefore, would be of no help to the respondents.

9. For the reasons aforesaid, this writ petition is disposed of and the third respondent is directed to register the document presented by the petitioner for registration, if it is otherwise in order, as per law, within a period of one week from the date of receipt of a copy of this order. The third respondent is directed not to insist the petitioner to produce No Objection Certificate. No costs.

25.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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