



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.22512 of 2024
and WMP.No.24528 of 2024

1. A.John Britto
2. Ashwini

... Petitioners

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market road,
Koyambedu, Chennai-107.

2. The Executive Engineer,
Tamil nadu housing Board,
Hosur, Krishnagiri District.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue NOC for transfer of patta in respect of house site land in plot No.8 in Block No.50 admeasuring about 2946 Sq. ft. comprised in Ward-C Survey No.902 (TS.No.12/13) of Nanjundeswara Nagar, Hosur Taluk, Krishnagiri District based on the petitioners representation dated 25.11.2023 within the time to be stipulated by this Court.



For Petitioner : Mr. R.Bharath Kumar
For Respondent : Mr.S.Ramachandran, S.C.
For RR1 & 2

ORDER

This Writ Petition has been filed seeking a direction to the respondents to issue NOC for transfer of patta in respect of house site land in plot No.8 in Block No.50 admeasuring about 2946 Sq. ft. comprised in Ward-C Survey No.902 (TS.No.12/13) of Nanjundeswara Nagar, Hosur Taluk, Krishnagiri District based on the petitioners representation dated 25.11.2023 within the time to be stipulated by this Court.

2. The learned counsel for the petitioner submitted that they have purchased a piece of house site land in Plot No.8 in Block No.50 admeasuring about 2946 sq. ft. comprised in Ward-C Survey No.902 (TS. No.12/13) of Nanjundeswara Nagar, Hosur Taluk, Krishnagiri District from on K.Gandhi, K.Neppolion and K.Arunnehrum under a registered sale deed dated 09.06.2023 bearing Document No.10709 of 2023 registered in the office of the SRO, Hosur. The Government had initiated the land acquisition proceedings for the



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alleged housing purpose under Neighbourhood scheme of Hosur at the instance of the Tamil Nadu Housing Board and 4(1) notification was issued and subsequently, declaration under section 6 of the Act was issued in G.O.Ms.No.85 dated 21.12.1992 and the same was published on 22.12.1992. The said land acquisition proceedings were challenged by the original owner of the lands one Kuppaiah in W.P.no.16881 & 16882 of 1994 before this Court and the same was allowed on 20.04.2001 by quashing the proceedings initiated by the respondents. The appeal filed by the Government against the same was rejected at SR stage and SLP preferred by the respondent against the said order before the Apex Court which is pending. In the meanwhile, some of the land owners who are subsequent purchasers of the subject property have preferred a writ petition before this court in W.P.no.539/2009 seeking a direction to the respondents to issue NOC and this Court vide its order dated 07.10.2009 directed the respondents to issue NOC to the subsequent purchasers subject to the outcome of the writ appeal in WA.No.43 & 44 of 2012. Against the same the respondents have preferred appeal in WA.No.1811 of 2011 and the same was dismissed by this Court. The petitioners after purchasing the land, made a representation to the Tahsildar to



transfer the patta and the other revenue records to their name for the purpose of constructing a residential house and they informed to get NOC from the respondents. They have sent a representation on 25.11.2023 to the respondents to issue NOC and till date, they have not taken any steps. Hence, the present writ petition.

3. The learned counsel for the respondents submitted that the petitioners have approached this Court with false averments. The original owner has filed a writ petition before this Court in W.P.No.16881 and 16882 of 1994 and the same were allowed on 20.04.2001. Challenging the same the Housing Board preferred appeal in W.A.No.43 and 44 of 2012 and the same was allowed on 01.08.2024. The petitioners have suppressed the said fact and filed the present writ petition and the same is liable to be dismissed.

4. Heard the learned counsel for the petitioner and the learned respondents and perused the materials available on record.

5. The facts of the case are not in dispute. Admittedly the petitioners



have purchased the subject property in the year 2023 from the original owner.

Initially the original owner Kuppaiah has filed writ petitions before this Court in W.P.No.16881 and 16882 of 1994 and the same were allowed. Challenging the same the Housing Board preferred appeal, in which, this Court allowed the appeal and held that *the land acquired belongs to Government and on completion of acquisition proceedings, title transferred to the Government. Any person in occupation of the acquired land is an encroachers and liable to be evicted.* The petitioners have suppressed the said fact and seeking NOC for transfer of patta in respect of the house site, which is not sustainable one and the present writ petition is liable to be dismissed.

6. With the above direction, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2024

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Index:Yes/No

Internet:Yes/No

Speaking/Non speaking

5/6



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M.DHANDAPANI, J.

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To

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