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W.P. No.21821 of 2024 etc. Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. Nos.21821, 21825, 21829, 21831, 21834, 21838, 21841, 22032, 22036,
22039 and 22040 of 2024 and W.M.P. No.24010 of 2024

Mrs.Kalaivani	... Petitioner in W.P. No.21821/2024
R.Sathish Kumar	... Petitioner in W.P. No.21825/2024
Mrs.Sundarambal	... Petitioner in W.P. No.21829/2024
M.Palaniappan	... Petitioner in W.P. No.21831/2024
Sumermal.C.	... Petitioner in W.P. No.21834/2024
Mrs.Kavitha	... Petitioner in W.P. No.21838/2024
M.V.Nagappan	... Petitioner in W.P. No.21841/2024
K.Palanivel	... Petitioner in W.P. No.22032/2024
Mrs.Reshma	... Petitioner in W.P. No.22036/2024
N.Kannan	... Petitioner in W.P. No.22039/2024
Paramasivam	... Petitioner in W.P. No.22040/2024

Vs



W.P. No.21821 of 2024 etc. Batch

1. The Secretary,
Housing and Urban Development Department
Fort St. George
Chennai - 600 009
 2. The Special Thasildar (Land Acquisition)
Tamil Nadu Housing Board
(Salem Housing Board Division)
Aiyyanthiru Maaligai
Opp. Collector Bungalow
Salem - 636 008
 3. The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board
(Salem Housing Board Division)
Salem - 636 008
 4. The Thasildar
Salem Taluk
Salem - 636 008
- ... Respondents in all WPs

Prayer in W.P. No.21821 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Door No.5, measuring an extent of 1200 Sq.ft. comprised in S. Nos.94/4, 95/2, 95/3 and 98/2 of Ayyanperumal Patti Village, Salem District, property bearing Plot No.40, measuring an extent of 1200 sq.ft., comprised in S. Nos.94/4, 95/2, 95/3 and 98/2 of Ayyanperumal Patti Village, Salem District, property bearing Plot No.36A, measuring an extent of 120 sq.ft., comprised in S. Nos.94/4, 95/2, 95/3 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.21825 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to



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call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Door No.155/3, measuring an extent of 4086 Sq.ft. comprised in S. Nos.95/2, 95/3 of Ayyanperumal Patti Village, Salem District and property measuring an extent of 3768 sq.ft., comprised in S. Nos.95/2, 95/3 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.21829 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.37, measuring an extent of 2062.5 sq.ft., comprised in S. Nos.95/2, 95/3 and 94/4 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.21831 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.36, measuring an extent of 1845 sq.ft., comprised in S. No.95/3 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.21834 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.29, measuring an extent of 4535 sq.ft., comprised in S. Nos.95/2, 95/3 and 94/4 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.21838 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated



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11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.20, measuring an extent of 2100 sq.ft., comprised in S. Nos.95/2, 95/3, 94/4 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.21841 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.10, measuring an extent of 1180 sq.ft., comprised in S. No.95/2 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.22032 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 02.02.2024 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.28, measuring an extent of 1900 sq.ft., comprised in S. Nos.95/2 & 95/3 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.22036 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.34, measuring an extent of 1372.5 sq.ft., comprised in S. No.95/3 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.22039 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 11.08.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.36, measuring an extent of 1980



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sq.ft., comprised in S. Nos.95/2, 95/3 and 94/4 of Ayyanperumal Patti Village, Salem District.

Prayer in W.P. No.22040 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in impugned letter Na.Ka. No.861/2023/A9 dated 06.10.2023 on the file of the 4th respondent and quash the same and consequently direct the 4th respondent to grant patta in the name of the petitioner for the property bearing Plot No.28, measuring an extent of 1900 sq.ft., comprised in S. Nos.95/3, 95/2 and 94/4 of Ayyanperumal Patti Village, Salem District.

For Petitioner : Ms.A.S.Neela Narayani
in all WPs

For Respondents : Mr.P.Sathish,
in all WPs Addl. Govt. Pleader for R1, R2 & R4
Mr.C.Kalaichelvan for R3

COMMON ORDER

These writ petitions have been filed challenging the impugned order of the fourth respondent dated 11.08.2023, 06.10.2023 and 02.02.2024, rejecting petitioners' request for change of patta on the ground that No Objection Certificate has to be obtained from the Tamil Nadu Housing Board.



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2. Mr.C.Kalaichelvan, learned counsel takes notice for Tamil Nadu Housing Board, namely the 3rd respondent.

3. Originally, the property in question in these writ petitions, was acquired for the scheme of the Tamil Nadu Housing Board. That notification was challenged and quashed by this court. Thereafter, when the petitioners have presented their documents for registration, the same came to be refused to be registered on the ground that a No Objection Certificate is required from the Tamil Nadu Housing Board. When the said refusal slips were challenged in a batch of writ petitions, this court vide its order dated 28.02.2023, disposed of those writ petitions by quashing the refusal slips.

4. Now it appears that, based on the said registered documents, when an application has been made for patta, the impugned orders came to be passed. As the matter has already been settled, the title of the petitioners is not disputed and the acquisition proceedings have already been quashed, insisting a No Objection Certificate from the Housing Board is not at all required. In such view of the matter, the impugned orders requiring the third respondent to issue a No Objection Certificate stand quashed. These matters are remitted back to the



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fourth respondent for fresh consideration and issue patta on the basis of the title deeds. Such exercise shall be made within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, these writ petitions are disposed of. No costs.

Consequently, the connected writ miscellaneous petition is closed.

31.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

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Housing and Urban Development Department
Fort St. George
Chennai - 600 009

2.The Special Thasildar (Land Acquisition)
Tamil Nadu Housing Board
(Salem Housing Board Division)
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3.The Executive Engineer & Administrative Officer
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N.SATHISH KUMAR, J.

Asr

4.The Thasildar
Salem Taluk
Salem - 636 008

5.The Government Pleader
High Court, Madras

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