



WEB COPY



W.P.Nos.24469, 24475, 24480, 24489 and 24491 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.24469, 24475, 24480, 24489 and 24491 of 2021

and

W.M.P.Nos.25791, 25795, 25803, 25809 and 25811 of 2021

C.Sakthivel ... Petitioner in WP.No.24469 and
24491/2021

A.Andamuthu ... Petitioner in WP.No.24475/2021

A.C.Rajesh ... Petitioner in WP.Nos.24480 and
24489/2021

VS.

1.The Chairman Cum District Collector,
Local Planning authority,
First Floor,
Corporation Shopping Complex,
Raju Naidu Street,
Sivananda Colony,
Coimbatore

2.The District Revenue Officer,
Coimbatore.

3.The Revenue Divisional Officer,
Coimbatore.



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4.The Tahsildar,
Perur,
Perur Taluk,
Coimbatore District.

5.The Zonal Deputy Tahsildar,
Perur,
Perur Taluk,
Coimbatore District.

6.The Chairman Cum Managing Director,
Tamil Nadu Housing Board, CMDA Complex,
E & C Market Road, Koyambedu,
Chennai – 600107.

... Respondents (in all WPs)

*(R6 Suo Motu impleaded Vide Order dated 14.08.2023 made
in WP.Nos.24469, 24475, 24480, 24489 and 24491/2021)*

PRAYER in W.P.Nos.24469 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order Dated 27.07.2021 in Application No.2021/0103/12/303315 on the file of the 5th respondent and directing the respondents to grant patta in the name of the petitioner for the property admeasuring 1188 sq.ft., 2 Cents and 317 sq.ft., out of 2388 sq.ft., or 5 Cents & 210 Sq. ft., comprised in layout No.76 and comprised in Sy.No.54, 55/1 and 55/2, situated at Veerakeralam Village, Perur Taluk, Coimbatore District.

PRAYER in W.P.Nos.24475 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order Dated 27.07.2021 in



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Application No.2021/0103/12/303295 on the file of the 5th respondent and directing the respondents to grant patta in the name of the petitioner for the property admeasuring 1620 sq.ft., 3 Cents and 313 sq.ft., comprised in Site No.60 Sy.No.54 & 55/2, situated at Veerakeralam Village, Perur Taluk, Coimbatore District.

PRAYER in W.P.Nos.24480 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order Dated 27.07.2021 in Application No.2021/0103/12/303309 on the file of the 5th respondent and directing the respondents to grant patta in the name of the petitioner for the property admeasuring 1200 sq.ft., or 2 Cents and 329 sq.ft., out of 2388 sq.ft., or 5 Cents & 210 Sq. Ft., comprised in layout No.76 and comprised in Sy.No.54, 55/1 and 55/2, situated at Veerakeralam Village, Perur Taluk, Coimbatore District.

PRAYER in W.P.Nos.24489 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order Dated 27.07.2021 in Application No.2021/0103/12/303312 on the file of the 5th respondent and directing the respondents to grant patta in the name of the petitioner for the property admeasuring 800 sq.ft., or 1 Cent and 364 ½ sq.ft., out of 2400 sq. ft., or 5 Cents & 210 Sq. ft., comprised in layout No.75 and comprised in Sy.No.54, 55/1 and 55/2, situated at Veerakeralam Village, Perur Taluk, Coimbatore District.



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PRAYER in W.P.Nos.24491 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order Dated 27.07.2021 in Application No.2021/0103/12/303304 on the file of the 5th respondent and directing the respondents to grant patta in the name of the petitioner for the property admeasuring 1590 sq.ft., 3 Cents and 283 sq.ft., out of 2400 sq.ft., comprised in Sy.No.54, 55/1 and 55/2, situated at Veerakeralam Village, Perur Taluk, Coimbatore District.

For Petitioners	: Mr.R.Rajarajan (in all WPs)
For R1 to R5	: Mr.A.Selvendran Special Government Pleader (in all WPs)
For R6	: Mr.V.Gunasekar Standing Counsel for TNHB (in all WPs)

COMMON ORDER

These Writ Petitions are filed challenging the order passed by the 5th respondent rejecting the applications filed by the petitioners seeking issuance of patta in their names on the ground that the subject properties were under Land Acquisition Proceedings.



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2. It is the case of the petitioners that they are the owners of the above mentioned properties and the same were sought to be acquired by the respondents for Housing Project. Challenging the Section 4(1) Notification that was issued on 28.12.1981, writ petitions were filed by some of the land owners affected by the notification in W.P.No.172 of 1985 batch cases and the said writ petitions were allowed by this Court by order dated 12.12.1991. Thus, the Land Acquisition Proceedings in respect of the subject properties was quashed. Challenging the same, the Government preferred writ appeals in W.A.Nos.279 to 284 of 1996. The said writ appeals were dismissed for default on 25.04.2001 and the said order has attained finality. Therefore, as on today, there is no Land Acquisition Proceedings pending in respect of the subject properties. The petitioners are in possession of the subject lands by putting constructions thereon.

3. Now, the petitioners submitted online applications before the 5th respondent seeking mutation of revenue records and issuance of patta in their names. However, the same has been rejected on the ground that Land Acquisition Proceedings is pending in respect of the subject properties. Aggrieved by the same, the petitioners have come before this Court.



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4. The learned counsel appearing for the petitioners submitted that even though the Land Acquisition Proceedings initiated in respect of subject properties was quashed by this Court, the 5th respondent erroneously rejected the applications filed by the petitioners on the ground that Land Acquisition Proceedings was pending.

5. The averments made by the petitioners that the Land Acquisition Proceedings was quashed by this Court in W.P.No.172 of 1995 batch cases and writ appeals filed against the said order, were also dismissed for non-prosecution on 25.04.2001 are not disputed by the Special Government Pleader appearing for respondents 1 to 5 and learned Standing Counsel appearing for the 6th respondent.

6. The learned Standing Counsel for TNHB appearing for the 6th respondent produced the written instructions from Executive Engineer and Administration Officer, Tamil Nadu Housing Board, Coimbatore Housing Unit, HUDCO Colony, Peelamedu, Coimbatore-641004, dated 23.10.2024 in his Letter No.LA1/24469/2021. The relevant portion of the said letter reads as follows:-



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“One of the notified person has filed a W.P.No.172/85 & batch cases against the land acquisition proceedings were allowed by the Hon'ble High Court on 12.12.1991 as a common order. Aggrieved by the orders, W.A.No.279/96 & Batch cases was filed by the government but the case was listed on 25.4.2001 as default case and dismissed. The Tamil Nadu Housing Board not made as a party respondent in this case. As per this office records, no appeal has been filed.

The possession of the land was not yet handed over to Tamil Nadu Housing Board since the scheme was not yet implemented in this land.”

7. In view of the same, as on today, there is no Land Acquisition Proceedings pending in respect of subject lands. Therefore, the impugned order passed by the 4th respondent is liable to be set aside and accordingly, the Writ Petitions stand allowed.

8. The matters are remitted back to the file of 5th respondent and the 5th respondent is directed to consider the online applications of the petitioners and pass final orders on its own merits and in accordance with



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law, within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, the connected writ miscellaneous petitions are closed.

24.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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S.SOUNTHAR, J.

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