



W.P.No.28786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.28786 of 2024

Mubarak Ali

...Petitioner

Vs.

1.The Secretary
Housing and Urban Development Department,
Fort st. George,
Chennai -09.

2.The Special Thasildar (Land Acquisition)
Tamil Nadu Housing Board,
(Salem Housing Board Division)
Aiyyanthirumaaligai,
Opp. Collector bungalow,
Salem-008.

3.The Thasildar (Land Acquisition)
Salem Housing Board,
Neighbourhood Scheme,
Aiyyanthiru Maaligai,
Opp Collector Bungalow,
Salem-636 008.



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4.The Executive Engineer and
Administrative Officer
Tamil Nadu Housing Board,
(Salem Housing Board Division)
Salem- 636 008.

5.The Joint- I Sub - Registrar
Salem (West),
District Registrar Office,
Collector Office Complex,
3rd Floor,
Salem-636 008

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned letter No.Ne.A1/ 4280/ 03 dated 29.10.2021 on the file of the 4th respondent and to quash the same and consequentially direct the 5th respondent to entertain registration of transactions relating to the property bearing plot No.10, measuring an extent of 2460 sq.ft, comprised in new Sy.No.53/1,(part) (old S No.53/1A1B), of Ayyamperumal Patti Village, Salem Taluk, Salem District.



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For Petitioner : Mr. Ilayaraj Kumar
for M/s.Ramalingam and
Associates Advocates

For Respondents : Mr. A.Selvendran
1 to 3 Special Government Pleader.

For Respondent 4: Mr. J.Pachiyappan

For Respondent 5: Mr. P.Harish.

ORDER

The petitioner seeks to quash the communication forwarded by the 4th respondent to the 5th respondent in and by which he has stated that transaction with reference to various survey numbers as appended to the said letter should not be entertained for registration.

2. When the petitioner attempted to deal with the property in Plot No.10, measuring an extent of 2460 sq.ft., comprised in S.No.53/1 (Part), (Old S.No.53/1A1B) of Ayyamperumam Patti Village, Salem Taluk, Salem District, he was not permitted to do so on the basis of the



aforesaid letter. This letter was brought to the knowledge of the petitioner only when he had attempted to sell the property.

3. It is thereafter that the petitioner came to know about the Government Orders, namely, G.O.Ms.No.755 dated 04.09.1981 and G.O.Ms.No.608 dated 03.08.1984, with regard to the acquisition of land in the area of the property. However, this order has been quashed by this Court in ***W.P.No.10277 of 1986 dated 07.03.1997***, which was further confirmed in ***W.A.No.158 of 1999***, preferred by the state.

4. Despite the order setting aside the acquisition proceedings, the 5th respondent is restraining the persons from transacting with reference to the properties, which have been enclosed in the impugned letter and the Sub Registrar is insisting on the no objection.

5. Mr. Ilayaraj Kumar brought to the notice the order passed by this Court in ***W.P.No.17504 of 2024 dated 25.07.2024***, wherein a similar letter issued by the 4th respondent therein directing the 5th



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respondent not to entertain the documents for registration in respect of another plot in S.No.53/1A1B was allowed by the learned Judge taking note of the fact that in the earlier proceedings similarly placed persons were permitted to get their documents presented.

6. The learned Judge had also observed that though liberty was given to the respondents to proceed with the Section 5 A enquiry afresh, no steps have been taken all these years.

7. Therefore, applying the ratio laid down in the said Judgement, which is squarely applies to the facts of the present case, the Writ Petition is allowed and a direction issued to the 5th respondent to accept the document for registration, without insisting on the no objection from the 4th respondent. No costs.

20.11.2024

Index : Yes/No
Internet : Yes/No
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P.T. ASHA, J,

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