



WEB COPY



W.P. No. 33714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

W.P. No. 33714 of 2024

L.Yegappan

... Petitioner

-VS-

The Tahsildar
(Valasaravakkam Village, Maduravoil Taluk)
Bharathi Salai Phase-II
Nolambur, Chennai.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the respondent herein for mutation of revenue records in his name for the S.No.51/2, Valasaravakkam Village, Saidapet Taluk, Chengalpet District and issue patta in his name by considering the representation made on 18.04.2023.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondent : Mr.A.Selvendran, SGP

ORDER

The writ petition is filed for the following relief:-

*“to direct the respondent herein for mutation of revenue records
in the name of the petitioner for the S.No.51/2, Valasaravakkam
Village, Saidapet Taluk, Chengalpet District and issue patta in*



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his name by considering the representation made on

18.04.2023.”

2. The petitioner had purchased a land measuring an extent of 2160 square feet in Survey No. 51/2, Valasaravakkam Village, Saidapet Taluk, Chengalpet District from M/s.Mohan Breweries and Distilleries Ltd., under a registered Sale-deed dated 20.03.1990. Since then the petitioner had been in absolute and uninterrupted possession of the same.

3. While so, in the month of July 2018, a notice under Section 84(2) of the Tamil Nadu Housing Board Act, 1961 was issued alleging that the lands have already been acquired under Award No.3 of 1986 dated 31.07.1986 and possession had been taken on 02.09.1986 and the owners had encroached into the said property by constructing as a pacca building. The land was sought to be acquired for expansion of the Kalaingar Karunanidhi Development by the Tamil Nadu Housing Board in the year 1986. After the 4(1) Notification issued under G.O. No. 125 dated 07.06.1975 no award was passed nor compensation paid to the landlords.

4. Therefore, the petitioner approached this Court by filing a writ petition in



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W.P. No. 9771 of 2019 praying to declare the land acquisition proceedings in respect of the land of an extent of 2160 square feet in Survey No.51/2 in Valasaravakkam village, Saidapet Taluk, Chengalpet District had lapsed as per Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act 2013.

5. This Court had disposed of the said writ petition with directions on 02.04.2019. Whereas other land owners have also filed similar writ petitions seeking the same prayer. Ultimately this Court had passed an order dated 11.07.2022 in W.P. No. 32510 of 2018 and directed the land owners to file appropriate application before the competent revenue authorities for mutation of records in their name, thereby admitting that the lands had not been acquired.

6. The petitioner would submit that despite this order to-date he has not received any notice or compensation from the Tamil Nadu Housing Board on the basis of the orders. Therefore, the petitioner is before this Court.

7. From the records, it is seen that in a batch of writ petitions, in W.P. No.32510 of 2018, the learned Single Judge of this Court had held that the acquisition proceedings had lapsed since the declaration under Section 6 of the



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Act had been issued as early as on 07.06.1978, whereas the award was passed only on 22.09.1986. He had also granted liberty to the petitioners to file appropriate application before the authorities concerned for mutation of the revenue records. This order had been passed on 11.07.2022. As there was no progress, it is also seen that the petitioner has made a representation to the respondent on 18.04.2023 seeking to issue of patta. There has been no progress to-date.

8. Therefore, considering the earlier orders passed by this Court in W.P. No. 32510 of 2018 etc., batch, a mandamus is issued to the respondent to mutate the revenue records and issue patta in favour of the petitioner on or before 04.12.2024.

9. The writ petition is allowed on the aforesaid terms. No costs.

14.11.2024

Index: Yes/No
NCC: Yes/No
Maya

P.T.ASHA, J.

Maya



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To

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