



W.P.No.2628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.02.2025

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No. 2628 of 2025

1.Padmanaban

2.Shanmugam

... Petitioners

VS.

The Tahsildar,
Hosur Taluk Office,
Hosur, Krishnagiri District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed by the Respondent herein in his proceedings order No.Na.ka.4267/2023/a2, dated 23.01.2024, and consequently directing the respondent to issue the Patta in the name of Petitioners alone in respect of property situated at Krishnagiri District, Hosur Taluk and Hosur Village, comprised in survey No.957 to an extent of 0.95.0 hectare, 958/1 to an extent of 0.04.0 hectare and 958/2 to an extent of 0.30.0 hectares totally measuring an extent of 1.29.0 Hectares in pursuant to the order passed by this Court in W.P.No.9928 of 2017 by an order dated 30.11.2018.



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For Petitioners : Mr.M.Ravi for Mr.B.Ramar

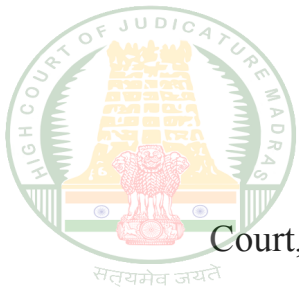
For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the respondent dated 23.01.2024, in so far as including the name of the Tamil Nadu Housing Board as a Joint Pattadhar, contrary to the findings of this Court in Contempt Petition No.366 of 2021 dated 28.09.2021.

2. Heard Mr.M.Ravi, learned counsel for Mr.B.Ramar, learned counsel for the petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondent.

3. The case of the petitioners is that the subject property was acquired by the Tamil Nadu Housing Board. The entire acquisition proceedings was put to challenge and the acquisition proceedings were quashed in W.P.Nos.11274 & 11275 of 2014 by order dated 15.12.2015. Thereafter, the petitioners filed Writ Petitions seeking for transfer of patta and this



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Court, by order dated 30.11.2018, directed the Tahsildar to grant patta without insisting for a No Objection Certificate from the Housing Board.

4. The said order was not complied with and hence, Contempt Petition No.366 of 2021 was filed before this Court. This Contempt Petition was disposed of by order dated 28.09.2021 and the relevant portions are extracted here under:

"7. In view of the above discussion, the order passed by the respondent dated 15.10.2019 cannot be sustained as against the petitioners and it is liable to be set aside. Accordingly, the impugned order passed by the respondent in P.M.No.6560/2018 A2, dated 15.10.2019 is hereby set aside. The respondent is directed to restore the revenue records and issue patta in favour of the petitioners for the subject land, within a period of two weeks from the date of receipt of a copy of this order.

8. The learned counsel for the respondent would submit that the Housing Board now filed a Writ Appeal as against the order dated 30.11.2018 in W.P.No.9929 of 2017 passed by this Court, thereby quashing the acquisition proceedings.



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9. If the Tamil Nadu Housing Board succeeds in the writ appeal, it is open to the Tamil Nadu Housing Board to acquire the land in the manner known to law."

5. Pursuant to the above order, the impugned proceedings dated 23.01.2024 has been issued by the respondent. While issuing the impugned proceedings, the respondent has also added the name of the Tamil Nadu Housing Board as one of the Joint Pattadhars and that is the main grievance that has been expressed by the petitioners in this writ petition.

6. In the considered view of this Court, the right of the Housing Board will get revived, only subject to the result of the writ appeal. As of today, the acquisition proceedings is no more in force, since it has been quashed and therefore, there is no question of including the name of the Housing Board as one of the Joint Pattadhar.

7. In view of the same, the impugned proceedings of the respondent dated 23.01.2024 is interfered to that extent and, there shall be a direction to the respondent to remove that portion in the order, including the Tamil Nadu Housing Board as one of the Joint Pattadhar. The respondent can always



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make it clear that the issuance of joint Patta in the name of the petitioners will be subject to the result of the pending writ appeal in W.A.No.2459 of 2021. This observation will sufficiently take care of the interest of the Housing Board. This process shall be completed by the respondent within a period of four weeks from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is **allowed** with the above directions.

No costs.

04.02.2025

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Internet : Yes/No

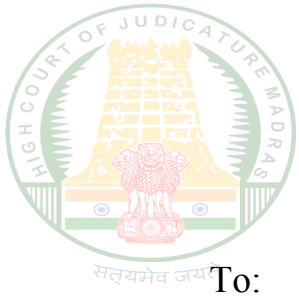
Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

N.ANAND VENKATESH, J.

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To:
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The Tahsildar,
Hosur Taluk Office,
Hosur, Krishnagiri District.

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