



WP.No.1685 of 2025

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In the High Court of Judicature at Madras

Dated : 24.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.1685 of 2025

S.Kumaran

Vs

...Petitioner

1.The Tahsildar, Maduravoyal
Taluk, Nolambur, Chennai-31.

2.The Tamil Nadu Housing
Board, rep.by its Managing
Director, 493, Anna Salai,
Nandanam, Chennai-35.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to process the petitioner's application for Patta dated 13.9.2024 and grant patta for the petitioner's plot situated in the layout called 'Vinayagapuram', Nerkundram, Chennai-107 comprised in Plot No. 1/20, Survey No.284/1A of Nerkundram Village, Maduravoyal Taluk, Chennai District without insisting no-objection from the 2nd respondent within a time frame as may be fixed by this Court.

For Petitioner : Mr.D.Ravi Kumar
For R1 : Mr.A.Selvendran, SGP



WP.No.1685 of 2025

ORDER

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Seeking a Mandamus to the first respondent to consider his online application dated 13.9.2024 for the issuance of patta in respect of the petitioner's plot situated in the layout called 'Vinayagapuram', Nerkundram, Chennai-107 comprised in Plot No.1/20, Survey No. 284/1A of Nerkundram Village, Maduravoyal Taluk, Chennai District without insisting a no-objection certificate from the second respondent, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the first respondent.

3. The case of the petitioner is as follows :

(i) Originally, a large extent of lands measuring 10.73 acres in S.Nos. 284/1A, 373/2A, 373/2B, 374/2 and 375, Nerkundram Village was owned by one Mr.Venkatasamy Naicker and his wife - one Mrs.Ponnammal. They had a son - one Mr.V. Janakiraman. The said Mr.Venkatasamy Naicker died on 05.11.1982 and after his demise, the said Mrs.Ponnammal and their son were in possession and enjoyment of the said lands. In the meantime, the second respondent decided to acquire the said lands, for which purpose, a Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) was issued



WP.No.1685 of 2025

on 11.6.1975 and a Declaration under Section 6 of the Act was published on 09.6.1978.

(ii) Challenging the acquisition proceedings, one Mrs.Khajammal (a) Muniammal filed W.P.No.8370 of 1986 and the said Mrs.Ponnammal filed W.P.No.8371 of 1986 through her authorized agent. Further, a learned Single Judge of this Court, by a common order dated 21.1.1988, allowed the said writ petitions and quashed both the Notification issued under Section 4(1) and the Declaration issued under Section 6 of the Act in terms of the judgment in L.N.Venkatesan Vs. State of Tamil Nadu [W.P.No.10351 of 1982 etc. cases dated 08.1.1988] subject to the petitioners therein proving their ownership in relation to the respective properties at the time of inquiry under Section 5A of the Act.

(iii) Thereafter, since the second respondent had not conducted a fresh inquiry under Section 5A of the Act, despite lapse of time, the said Mrs.Ponnammal filed another writ petition before this Court in W.P.No.18379 of 1991 challenging the Notification dated 11.6.1975 issued under Section 4(1) of the Act. Another learned Single Judge of this Court, by order dated 01.7.1999, allowed W.P.No.18379 of 1991 and quashed the Notification dated 11.6.1975 issued under Section 4(1) of the Act after observing that if the State and the Tamil Nadu Housing Board were desirous of acquiring the lands in public interest,

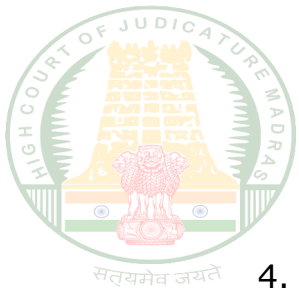


WP.No.1685 of 2025

it would be open to them to proceed afresh by exercising the power of eminent domain. However, no fresh acquisition proceedings were initiated thereafter.

(iv) During the interregnum period, a layout called 'Vinayagapuram' was formed in the lands in S.No.284/1A and the petitioner also purchased plot No.1/20 measuring 1060 sq.ft. vide sale deed dated 26.11.1993 registered as doc.No.3745 of 1993 on the file of the Sub-Registrar, Virugambakkam for a valid sale consideration. He also put up a construction therein and has been assessed to property tax, water tax and electricity charges. Later, the petitioner made an online application dated 13.9.2024 through the e-seva counter. However, the first respondent deliberately refused to receive the same on the ground that he was not able to scrutinize the application for the grant of patta since the land in S.No.284/1A has been acquired by the second respondent. Further, the first respondent demanded a no objection certificate from the second respondent for processing the petitioner's request for the grant of patta in respect of the subject property.

(v) Aggrieved by the fact that the first respondent was insisting upon a no objection certificate from the second respondent despite quashing of the land acquisition proceedings as early as 1999, the petitioner has come forward with this writ petition.



WP.No.1685 of 2025

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. A perusal of the counter filed by the second respondent in a writ petition in W.P.No.27104 of 2023 filed by three land owners, in which, the first respondent was also a party, would clearly show that they have no right over the subject land in S.No.284/1A. It has been stated in paragraph 4 in the following lines :

"I respectfully submit that this Hon'ble Court has already declared in various writ petitions that the Tamil Nadu Housing Board has no rights over the subject land in Survey No.284/1A in Nerkundram Village, since the land acquisition proceedings were already quashed by this Hon'ble Court. Hence, the second respondent herein is not interfering with the proceedings pertaining to the issuance of patta in favour of the petitioners herein."

6. Despite this categorical statement that the second respondent is not interfering with the proceedings pertaining to the issuance of patta in respect of S.No.284/1A, the insistence on the part of the first respondent for obtaining a no objection certificate from the second



WP.No.1685 of 2025

respondent for the grant of patta to the petitioner is, per se, contumacious. It is relevant to point out that only after quashing the acquisition proceedings, the layout has come into existence and several sale deeds were executed subsequently.

7. In the light of the above, the writ petition is allowed and a Mandamus is issued to the first respondent to process the online application of the petitioner dated 13.9.2024 for the grant of patta without insisting a no objection certificate from the second respondent and issue patta within a period of six weeks from the date of receipt of a copy of this order. No costs.

24.1.2025

To

1.The Tahsildar, Maduravoyal
Taluk, Nolambur, Chennai-31.

2.The Tamil Nadu Housing
Board, rep.by its Managing
Director, 493, Anna Salai,
Nandanam, Chennai-35.

RS



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WP.No.1685 of 2025

P.T.ASHA,J

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WP.No.1685 of 2025

24.1.2025