

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 30.11.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.9928 and 9929 of 2017

1.G.Padmanabhan
2.G.Shanmugam

..Petitioners in both W.Ps.

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector,
Krishnagiri.
- 3.The Special Tahsildar (LA),
Hosur Housing Scheme,
Bagalur Road,
Hosur,
Krishnagiri District.
- 4.The Special Tahsildar,
Town Settlement Office,
Hosur, Krishnagiri District.
- 5.The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam, Chennai 600 035.Respondents in W.P.9928/2017

- 1.The State of Tamil Nadu,
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Hosur,
Krishnagiri District.

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

5.The Managing Director,
Tamil Nadu Housing Board,
No.33, Anna Salai,
Nandanam, Chennai 600 035.

..Respondents in W.P.9929/2018

PRAYER in W.P.9928/17 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondents 2 and 4 to transfer the patta in favour of the petitioners in respect of land measuring an extent of 0.95.0 hectare comprised in Survey No.957, 0.04.0 hectare in Survey No.958/1 and 0.32.0 hectare in Survey No.958/2, totally measuring an extent of 1.29.0 hectares situate at Hosur Village and Taluk, Krishnagiri District without insisting No Objection Certificate from the fifth respondent based on the petitioner's representation dated 09.06.2016 within the time to be stipulated by this Court.

PRAYER in W.P.9929/17 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondents 2 and 4 to transfer the patta in favour of the petitioners in respect of land measuring an extent of 1.35.0 hectare comprised in Survey No.19/2, 0.59.5 hectare in Survey No.19/3, 0.62.5 hectare in Survey No.19/4 and 0.26.5 hectare in Survey No.19/6, totally measuring an extent of 2.83.5 hectares situate at Nalighabettu Aghraharam Village, Hosur Taluk, Krishnagiri District without insisting No Objection Certificate from the fifth respondent based on the petitioner's representation dated 09.06.2016 within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharathkumar
in both W.Ps.

For Respondents : Mr.I.Sathish for R1 to R4
in both W.Ps. Additional Government Pleader
Mr.V.Anandamoorthy for R5
Standing Counsel

C O M M O N O R D E R

W.P.No.9928 of 2017 is filed for a mandamus to direct the respondents 2 and 4 to transfer the patta in favour of the petitioners in respect of land measuring an extent of 0.95.0 hectare comprised in Survey No.957, 0.04.0 hectare in Survey No.958/1 and 0.32.0 hectare in Survey No.958/2, totally measuring an extent of 1.29.0 hectares situate at Hosur Village and Taluk, Krishnagiri District without insisting No Objection Certificate from the fifth respondent based on the petitioner's representation dated 09.06.2016.

2. W.P.No.9929 of 2017 is filed for a mandamus to direct the respondents 2 and 4 to transfer the patta in favour of the petitioners in respect of land measuring an extent of 1.35.0 hectare comprised in Survey No.19/2, 0.59.5 hectare in Survey No.19/3, 0.62.5 hectare in Survey No.19/4 and 0.26.5 hectare in Survey No.19/6, totally measuring an extent of 2.83.5 hectares situate at Nalighabettu Aghraharam Village, Hosur Taluk, Krishnagiri District without insisting No Objection Certificate from the fifth respondent based on the petitioner's representation dated 09.06.2016.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the official respondents and the learned standing counsel for the Tamil Nadu Housing Board.

4. It is seen that earlier writ petition filed by the petitioners in W.P.Nos.11274 & 11275 of 2014 were allowed on 15.12.2015 holding that the entire acquisition proceedings are deemed to be quashed in the light of Section 24 (2) of the Central Act, 2013. It is stated by the learned Standing Counsel appearing for the Housing Board as well as the learned Additional Government Pleader appearing for the official respondents that no further appeal has been filed against the said order. Now, the grievance of the petitioners before this Court is that even though the land acquisition proceedings were quashed by this Court as early as in the year 2015, the Tahsildar is insisting for getting "No Objection Certificate" from the Tamil Nadu Housing Board for grant of patta in favour of the petitioners, since in pursuant to the land acquisition proceedings initiated earlier, the pattas in respect of the subject matter lands were transferred in the name of the Tamil Nadu Housing Board.

5. The learned standing counsel for the Tamil Nadu Housing Board submitted that the Tamil Nadu Housing Board has not challenged the above said order, by filing any appeal. He has

also submitted that no acquisition proceedings initiated at the instance of the Tamil Nadu Housing Board, is pending, as on date, in respect of these petitioners' land as well.

6. The learned Additional Government Pleader for the official respondents submitted that the Revenue Tahsildar will not have any objection for granting patta in favour of the petitioners, as no other impediment is there for him to consider the request, except the fact that the pattas in respect of the subject matter lands, as on today stand in the name of the Tamil Nadu Housing Board.

7. Considering the above stated facts and circumstances and considering the fact that the land acquisition proceedings initiated against the petitioners' land was quashed as early as in the year 2015 and further considering the fact that no acquisition proceedings is pending against the petitioners' land as on today, this Court is of the view that there cannot be any impediment to the Revenue Tahsildar to consider the request of the petitioners for grant of patta, which in effect is nothing but restoring the patta from the name of the Tamil Nadu Housing Board to the petitioners' name.

8. Accordingly, both the writ petitions are allowed. Consequently, the matter is remitted back to the Revenue Tahsildar to consider the claim of the petitioners for grant of patta in respect of the subject matter lands in their favour and pass orders on the same accordingly, without insisting for "No Objection Certificate" from the Housing Board, within a period of four weeks from the date of receipt of a copy of this order, as admittedly, the Tamil Nadu Housing Board has lost their right over the subject matter lands pursuant to the earlier order passed by this Court in WP Nos.11274 & 11275 of 2014, through which the land acquisition proceedings are deemed to have lapsed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
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Hosur, Krishnagiri District.

+1 cc to M/s.R.Bharath kumar, Advocate SR No.82558

+1 cc to M/s.V.Anandhamurthy, Advocate, SR No.82441

W.P.Nos.9928 and 9929 of 2017

kji (co)
ssm (19/12/18)