

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.10759 and 10760 of 2011

and

M.P.Nos.2 & 2 of 2011, 1 & 1 of 2014

R.R.Ranganathan

S/o.R.Rangian

.... Petitioner in W.P.No.10759/2011

Vasanthamani

W/o.R.R.Ranganathan

.... Petitioner in W.P.No.10760/2011

vs.

1.The Chairman,

Tamil Nadu Housing Board,

Nandanam,

Chennai - 600 035.

2.The Executive Engineer

cum Administrative Officer,

Tamil Nadu Housing Board,

Tatabad, Coimbatore.

3.Special Tahsildar Land Acquisition

Tamil Nadu Housing Board,

Tatabad, Coimbatore - 641 012.

4.The Tahsildar (North),

Collectorate Complex,

Coimbatore - 641 018.

5.The Assistant Secretary

Land Acquisition 2 (In-charge),

Tamil Nadu Housing Board,

493, Anna Salai,

Nandanam,

Chennai - 600 035.

... Respondents

Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the fifth respondent in Letter No.L.A.(Special)-3/21733/2010 dated 01.02.2011, quash the same and consequently direct the first respondent to issue No Objection Certificate to the

petitioner for the lands in S.F.No.95/1, 96, 97 & 98, Veerakeralam Village of a total extent of 10.35 acres.

For Petitioners : Mr.P.Srinivas
For Respondents : Mr.B.Viveka Vanan [R1 & R2]
Mr.R.Vijayakumar
Additional Government Pleader [R3 to R5]

C O M M O N O R D E R

Heard Mr.P.Srinivas, learned counsel for petitioners, Mr.B.Viveka Vanan, learned counsel for respondents 1 and 2 and Mr.R.Vijayakumar, learned Additional Government Pleader for respondents 3 to 5.

2. Challenging the proceedings issued by the fifth respondent Housing Board dated 01.02.2011 and to direct the first respondent to grant No Objection Certificate for the property situated at S.F.Nos.95/1, 96, 97 and 98, Veerakeralam Village, to enable the petitioners to deal with the property, the present writ petitions have been filed.

3. At the time when the impugned order was passed, though the land acquisition proceedings were quashed by this Court in W.P.No.3504 of 1985 on 26.11.1991 at the instance of the original land owner, the petitioners, being subsequent purchasers, the Housing Board rejected their request for grant of No Objection Certificate. The land owner subsequently filed W.P.No.30633 of 2008 wherein a prayer was made to quash the notification published in the 'Dinamalar' dated 21.11.2007 which is a public notice warning the general public not to purchase or deal with the property in question since it was the subject matter of acquisition. This Court, by order dated 14.10.2014, allowed the writ petition and the public notice was quashed.

4. In the light of the above, nothing prevents the respondent Housing Board from considering the petitioners' case for grant of 'No Objection Certificate' since there is no legal impediment as on date.

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These Writ Petitions are allowed and the impugned order is set aside. The matter is remitted back to the fifth respondent for fresh consideration and to pass orders within a period of six weeks from the date of receipt of a copy of this order, by taking note of the order passed by this Court in W.P.No.30633 of 2008 dated 14.10.2014. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai - 600 035.
- 2.The Executive Engineer
cum Administrative Officer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore.
- 3.Special Tahsildar Land Acquisition
Tamil Nadu Housing Board,
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- 5.The Assistant Secretary
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Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai - 600 035.

+1 cc to Mr.B.viveka vanan, Advocate, SR.15007

+1 cc to Mr.P.Srinivas, Advocate, SR.15084.

sr(co)
krd 1/4

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