

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

W.A.No.220 of 2015 against
W.P.5954 of 2010
& M.P.No.1 of 2015

Tamil Nadu Housing Board,
Rep. by Chairman-cum-Managing Director,
No.493, Anna Salai,
Nandanam, Chennai-600 035. .. Appellant/Petitioner

Vs.

1. M.Thiyagarajan
2. Mrs.Mottamma @ Muniamma
3. Venkataramanappa
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme, Hosur,
Krishnagiri District. .. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.04.2010 made in W.P.No.5954 of 2010 on the file of this Court. This writ petition is filed under Article 226 of the Constitution of India with a prayer to issue a writ of mandamus directing the first respondent to grant No Objection Certificate, to the petitioners in respect of lands measuring an extent of 0.72.5 hectares comprised in Survey No.419 situate at Chennathur Village, Hosur Taluk, Krishnagiri District, based on the representation dated 31.1.2009 certifying that no land acquisition proceedings are pending against the said land.

For appellant : Mr.C.Kasirajan
For respondents: Mr.R.Bharathkumar for RR-1 to 3
Mr.R.Rajeswaran,
Special Govt. Pleader for R-4

JUDGMENT

(The Judgment of the Court was delivered by V.Dhanapalan,J)

This Writ Appeal has been preferred by the appellant-Tamil Nadu Housing Board as against the order passed by the learned single Judge in W.P.No.5954 of 2010, dated 01.04.2010 in directing the appellant

to consider the representation of the respondents 1 to 3/writ petitioners, dated 31.01.2009 and pass orders in accordance with the facts stated in the order. Therefore, the appellant/TNHB contested that the direction to the appellant/TNHB to consider the said representation should have been made in accordance with law, instead of facts stated in the order.

2. In the light of the above stated position, we are of the opinion that a direction has to be issued to the appellant/TNHB to consider the said representation in accordance with law, as it is the domain of the appellant to consider the same in accordance with law.

3. Accordingly, we clarify the order of the learned single Judge and direct the appellant/TNHB to consider the said representation, dated 31.01.2009 of the respondents 1 to 3/writ petitioners, in accordance with law and on merits, within a period of four weeks from the date of receipt of a copy of this judgment. The Writ Appeal is disposed of accordingly. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. Tamil Nadu Housing Board,
Rep. by Chairman-cum-Managing Director,
No.493, Anna Salai,
Nandanam, Chennai-600 035.

2. The Special Tahsildar,
Land Acquisition,
Housing Scheme, Hosur,
Krishnagiri District.

+ 1 cc to Mr.S.Kasirajan, Advocate SR.9572
+ 1 cc to Mr.R.Bharathkumar, Advocate SR.10104

WEB COPY

W.A.No.220 of 2015

RJ(CO)
EU 05.03.2015