

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.A. No.222 of 2015 and M.P. No.1 of 2015

Tamil Nadu Housing Board
represented by its Chairman cum Managing Director
No.493, Anna Salai
Nandanam, Chennai 600 035 Appellant

Vs.

1 Jeevaraj Devsi Patel
2 Govind Jeevaraj Patel
3 Dayalal Mavji Patel
4 The Special Tahsildar
Land Acquisition
Housing Scheme
Hosur
Krishnagiri District Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 12.04.2010 passed in W.P. No.5631 of 2010.

Writ Petition praying to directing the first respondent herein to
grant No Objection Certificate to the petitioners in respect of
lands measuring an extent of 1 acre comprised in survey No.900
situate at Hosur Village Krishnagiri District based on the
application dated 27.7.2009 certifying that no land acquisition
proceedings are pending against the said land.

For appellant Mr. C. Kasirajan

For RR 1-3 Mr. R. Bharathkumar

For R4 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal is directed against the order dated 12.04.2010 passed by the Writ Court in W.P. No.5631 of 2010.

2 For the sake of convenience, the parties are referred to as per their rank in the instant appeal.

3 The respondents 1 to 3 came up with the writ petition seeking a direction to the appellant to grant No Objection Certificate to them in respect of the lands measuring an extent of 1 acre, comprised in Survey No.900 situate at Hosur Village, Krishnagiri District based on their application dated 27.07.2009, certifying that no land acquisition proceedings are pending against the said land.

4 The indisputable facts involved herein are that the land acquisition proceedings in respect of the land in question initiated under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") vide G.O. Ms.No.753, Housing and Urban Development Department dated 30.04.1991, published in Government Gazette on 29.05.1991 and declaration under Section 6 of the Act issued vide G.O. Ms.No.1342, Housing and Urban Development Department dated 09.10.1991, published in the Government Gazette on 13.10.1991, were quashed by this Court in W.P. Nos.16881 and 16882 of 1994, vide order dated 14.08.2000, reserving liberty to the authorities to initiate fresh proceedings under the provisions of the Act, if so advised. It is beyond cavil that neither an appeal was preferred against the said order nor fresh proceedings were initiated by the authorities for acquisition of the land in question. Thus, on the date, the application to grant No Objection Certificate was filed by the respondents 1 to 3, i.e., on 27.07.2009, no acquisition proceedings in respect of the land in question, was pending and also, no appeal against the order dated 14.08.2000 passed by this Court in W.P.Nos.16881 and 16882 of 1994, was pending consideration.

5 Having regard to the aforesaid settled facts, the Writ Court directed the appellant to consider the representation dated 27.07.2009 submitted by the respondents 1 to 3, in accordance with the facts, within a period of four weeks from the date of receipt of a copy of the order.

6 No Objection Certificate can be declined or rejected only in the event, some land acquisition proceedings is pending or a case arising from land acquisition proceedings is pending consideration before the Court/Tribunal. In the case on hand, neither any land acquisition proceedings nor any appeal against the order dated

14.08.2000 passed by this Court, was pending consideration, at the relevant point of time, when No Objection Certificate was sought by the respondents 1 to 3. Thus, we do not find any irregularity or illegality in the order of the Writ Court sought to be impugned in this writ appeal.

7 As a sequel, the writ appeal stands dismissed. Connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar
Dated:2.3.15

True Copy

Sub Assistant Registrar

To

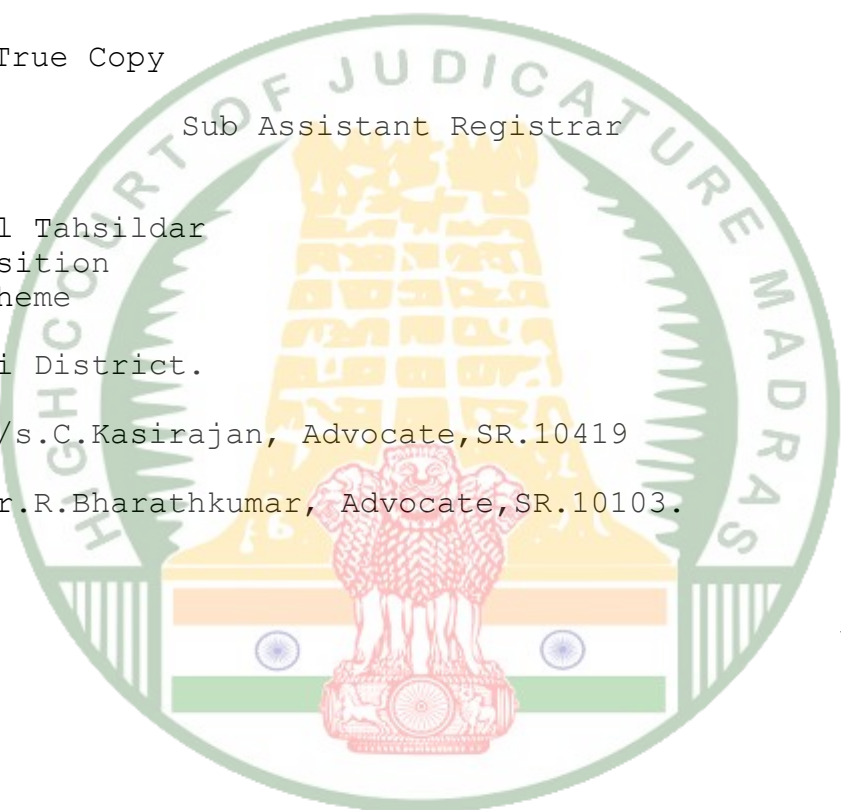
The Special Tahsildar
Land Acquisition
Housing Scheme
Hosur
Krishnagiri District.

+1 cc to M/s.C.Kasirajan, Advocate,SR.10419

+1 cc to Mr.R.Bharathkumar, Advocate,SR.10103.

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krd 6/3

W.A. 222 of 2015

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the lion capital is a red wheel (Chakras) and a red lotus. The entire emblem is set against a background of horizontal stripes (green, white, orange, white, green). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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