

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.Nos.32101, 31758 and 31759 of 2014
and

M.P.No.2 of 2015 in W.P.No.31759 of 2014

1.V.P.Kalichamy
2.Poovathal
3.Chellammal
4.Rajalakshmi

... Petitioners in
W.P.32101/2014

Poovathal

... Petitioner in
W.P.31758/2014

1.Nachimuthu (Died)
2.Meenakshi
3.K.Malliga
4.Jayanthi

... Petitioners in
W.P.31759/2014

(Petitioners 2 to 4 substituted as LRs
as per the order dt. 03.2.2015 in
M.P.No.1 of 2015)

vs.

1.The Government of Tamilnadu,
by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George,
Chennai-600 009.

2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.

3.The Executive Engineer &
Administrative Officer,
TNHB, Coimbatore Unit,
Tatabad, Coimbatore-18.

4.The Special Tahsildar (LA) and
Land Acquisition Officer,
Housing Scheme No.1,
Tatabad, Coimbatore.

... Respondents in
all W.Ps.

Prayer in W.P.No.32101 of 2014: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus directing the 2nd and 3rd respondents to issue No Objection Certificate in respect of the land to an extent of 0.29.5 hectares comprised in S.F.No.533/1 and to an extent of 0.34.0 hectares comprised in S.F.No.533/3 situate at Vellakinaru village, Coimbatore to the petitioner based on the order passed in W.P.No.14620 of 2014.

Prayer in W.P.No.31758 of 2014: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus directing the 2nd and 3rd respondents to issue No Objection Certificate in respect of the land comprised in S.F.No.532/1 to an extent of 0.63.5 hectares situate at Vellakinaru village, Coimbatore to the petitioner based on the order passed in W.P.No.14661 of 2014.

Prayer in W.P.No.31759 of 2014: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus directing the 2nd and 3rd respondents to issue No Objection Certificate in respect of the land comprised in S.F.No.532/2 to an extent of 0.56.5 hectares and in S.F.No.533/2 to an extent of 0.37.0 hectares situate at Vellakinaru village, Coimbatore to the petitioner based on the order passed in W.P.No.14638 of 2014.

For Petitioner in : Mr.R.Subramaniam
all WPs. for
Mr.C.Prabakaran

For Respondent : Ms.P.Rajalakshmi
Nos.1 & 4 in all Government Advocate
W.Ps.

For Respondent : Mr.V.Anandhamurthy
Nos.2 & 3 in all
W.Ps.

COMMON ORDER

Heard Mr.R.Subramanian, learned counsel appearing for the petitioners and Ms.P.Rajalakshmi, learned Government Advocate appearing for the respondents 1 and 4 and Mr.V.Anandhamurthy, learned counsel appearing for the respondents 2 and 3.

2. The prayer in the writ petitions are as follows:-
W.P.No.32101 of 2014

"For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or any other appropriate writ in the nature of writ of mandamus directing the 2nd and 3rd respondents to issue "No Objection Certificate" in respect of the land to an extent of

0.29.5 hectares comprised in S.F.No.533/1 and to an extent of 0.34.0 hectares comprised in S.F.No.533/3 situate at Vellakinaru village, Coimbatore to the petitioner based on the order passed in W.P.No.14620 of 2014 by this Hon'ble Court and to pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice."

W.P.No.31758 of 2014

"For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or any other appropriate writ in the nature of writ of mandamus directing the 2nd and 3rd respondents to issue "No Objection Certificate" in respect of the land comprised in S.F.No.532/1 to an extent of 0.63.5 hectares situate at Vellakinaru village, Coimbatore to the petitioner based on the order passed in W.P.No.14661 of 2014 by this Hon'ble Court and to pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice."

W.P.No.31759 of 2014

"For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or any other appropriate writ in the nature of writ of mandamus directing the 2nd and 3rd respondents to issue "No Objection Certificate" in respect of the land comprised in S.F.No.532/2 to an extent of 0.56.5 hectares and in S.F.No.533/2 to an extent of 0.37.0 hectares situate at Vellakinaru village, Coimbatore to the petitioner based on the order passed in W.P.No.14638 of 2014 by this Hon'ble Court and to pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice."

3. The lands owned by the petitioners in these writ petitions were the subject matter of land acquisition proceedings under the provisions of Land Acquisition Act, 1894. The petitioners have challenged the same by filing W.P.Nos.14620, 14661 and 14638 of 2014 respectively by contending that the acquisition proceedings have been lapsed, in view of Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and therefore, the land acquisition proceedings have to be declared as null and void. The said writ petitions were allowed by this Court by order dated 23.6.2014.

4. It is submitted by the learned counsel appearing for the petitioners that after passing orders in W.P.Nos.14620, 14661 and 14638 of 2014 dated 23.6.2014, pattas were also transferred infavour of the petitioners.

5. Armed with these facts, now the petitioners are seeking "No Objection Certificate" from the respondents 2 and 3 - Tamil Nadu Housing Board, so that they could utilise the lands. Though petitioners would state that representation has been given to the Tamil Nadu Housing Board seeking "No Objection Certificate", the copy of the same has not been enclosed in the typed set of papers in the respective writ petitions. Be that as it may, it is not known whether the Tamil Nadu Housing Board has preferred appeal against the order made in W.P.Nos.14620, 14661 and 14638 of 2014, dated 23.6.2014. Be that as it may, as long as the acquisition proceedings held to be not valid in law. The petitioners are seeking "No Objection Certificate" from the Tamil Nadu Housing Board, enabling them to develop the lands.

6. In the light of the same, there will be a direction to the petitioners to submit a representation to the 3rd respondent by enclosing copy of this order and the 3rd respondent shall verify full particulars and after conducting enquiry and also after verifying the details that the order passed by this Court in W.P.Nos.14620, 14661 and 14638 of 2014, dated 23.6.2014 quashing the land acquisition proceedings and declared the same as null and avoid has not been either altered or modified or stayed by the Division Bench in an appeal, if any preferred, then the 3rd respondent should consider the matter and pass orders in accordance with law, as expeditiously as possible.

7. With the above observations and directions, the writ petitions are disposed of. No costs. Consequently, M.P.No.2 of 2015 in W.P.No.31759 of 2014 is closed.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS II)

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/true copy/

Sub Asst. Registrar

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To

1.The Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.

3.The Executive Engineer & Administrative Officer,
TNHB, Coimbatore Unit,
Tatabad, Coimbatore-18.

4.The Special Tahsildar (LA) and
Land Acquisition Officer,
Housing Scheme No.1,
Tatabad, Coimbatore.

3 ccs to Mr.C. Prabakaran, Advocate, Sr. 5410 to 5412
2 ccs to Government Pleader, Sr. 5634, 5638

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31759 of 2014

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