

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.24691 of 2015

Sowbhagya Lakshmi

... PETITIONER

Vs

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai - 9
2. The Chairman & Managing Director
The Tamil Nadu Housing Board
Nandanam, Anna Salai,
Chennai - 600 035
3. The Special Tashildar
Land Acquisition
Housing Scheme
Hosur, Dharmapuri District.

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus, directing the respondents to consider and pass orders on the representation dated 22.06.2015 seeking for issuance of no objection certificate to the petitioner pertaining to his property at Survey nos. 643/2A1A old survey no. 643 measuring an extent of 0.11.5 hectares and survey no.660/2B measuring 0.05.5 hectares respectively at Hosur Village, Krishnagiri District.

For Petitioner : Ms.R.Poornima

For Respondents : Mr.S.Diwakar R1 & R3
Additional Government Pleader

Mr.V.Anandamoorthy - R2

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Ms.R.Poornima, learned Counsel appearing for the petitioner, Mr.S.Diwakar, learned Additional Government Pleader, appearing for the respondents 1 & 3 and Mr.V.Anandamoorthy, learned counsel appearing for the second respondent.

3.The petitioner seeks for a direction to consider the representation for grant of no objection certificate so as to develop the property in S.No. 643/2A1A old survey no. 643 measuring an extent of 0.11.5 hectares and survey no.660/2B measuring 0.05.5 hectares respectively at Hosur Village, Krishnagiri District.

4.The learned counsel for the petitioner submits that the property in question was the subject matter of acquisition for a project of the Tamil Nadu Housing Board. The acquisition proceedings were challenged by the petitioner by filing a Writ Petition in W.P.No.12646 of 1994 and the said Writ Petition along with batch of cases was allowed by this Court by an order dated 14.3.2001 following the earlier orders passed by this Court in W.P.Nos.12577 to 12579 of 1994 dated 21.6.1999 and the acquisition proceedings has been quashed and therefore, the petitioner is entitled to develop the property for which the authorities are insisting for no objection certificate.

5.The learned counsel for the respondent Board submits that the petitioner has remitted the scrutiny fee and the matter was heard by the Board on 16.10.2015 and during the hearing it was found that in respect of one of the survey numbers, the petitioner was unable to produce documents to show that the said survey number was also covered in the award. Therefore, at the request of the learned counsel for the petitioner, the Housing Board has adjourned the hearing to 16.11.2015.

6.In the light of the above, the Writ Petition is disposed of by directing the petitioner to appear in person or through his counsel before the authority of the Board on 16.11.2015, produce all documents to the satisfaction of the Board. If in the event the petitioner is unable to produce documents for certain survey numbers, then the petitioner may restrict the

claim for grant of 'no objection' only in respect of the lands for which all documents have been produced to the satisfaction of the respondent Board. This concession however will not prejudice the petitioner, as liberty will be there to the petitioner to separately agitate the matter in respect of the other survey numbers at a later point of time. The competent authority of the respondent Board shall endeavour the complete hearing on 16.11.2015 with the assurance that the petitioner and her counsel will extend full co-operation and thereafter pass final orders at the earliest point of time, preferably within a period of six weeks from the date of conclusion of enquiry. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

To

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Hosur, Dharmapuri District.

+1cc to Mr.V.Anandamoorthy, Advocate, S.R.No.61248

+1cc to Mr.R.Poornima, Advocate, S.R.No.61262

+1cc to the Government Pleader, S.R.No.61402

W.P. No.24691 of 2015

KK(CO)

CA(24/11/2015)