

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.27517 of 2013

1.A.Mahendran

2.M.Sandhiya

.. Petitioners

v.

1.The Chairman,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai-35.

2.The Executive Engineer and
Administrative Officer,
Tirunelveli Housing Unit,
Tirunelveli.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to grant "No Objection Certificate" in respect of the petitioners' land in Survey Nos.555/4-A, 557/1 and 558/1 measuring an extent of 6.16 acres at Kulavanigapuram, Palayamkottai Taluk, Tirunelveli District.

For petitioners : Mr.S.Kamadevan

For respondents : Mr.V.Anandha Murthy

ORDER

The petitioners have come up with the present writ petition for a mandamus directing the respondents to grant No Objection Certificate in respect of the petitioners' land in Survey Nos.555/4-A, 557/1 and 558/1 measuring an extent of 6.16 acres at Kulavanigapuram, Palayamkottai Taluk, Tirunelveli District.

2.It is brought to the notice of this Court that the order dated 01.04.2013 in W.P. No.8168 of 2012, has been complied with by the respondents vide proceedings dated 18.12.2013 and incidentally the petitioner in the said writ petition is none other than the relative of the petitioners in this petition. The order passed thereon is extracted hereunder:

"2.One S.Muthiah has filed a writ petition before this Court in W.P. No.23335/2012 for the very same relief in respect of Plot No.3 in Survey No.559/1 of the same place. This Court by an order dated 21.09.2012, directed the respondents to grant No Objection Certificate to the petitioner therein. The order passed thereon is extracted hereunder:

"2.The case of the petitioner is that the land acquisition proceedings has already been initiated against the very same property and the petitioner's father who was the eighth petitioner in W.P. No.4512 of 1993 challenged the land acquisition proceedings issued in G.O. Ms. No.458, Housing and Urban Development Department dated 12.03.1987 and the said writ petition was allowed by this Court. In the said order, the said G.O. Was quashed without any liberty for initiation of land acquisition proceedings, afresh.

3.Learned Standing Counsel appearing for the respondent submitted that a writ appeal was filed with delay and the writ appeal was dismissed at the SR stage itself on 30.01.2001.

4.Since the land acquisition proceedings is already quashed, the respondents are not justified in not issuing NOC to the petitioner in respect of the property in Plot No.3 in Survey No.559/1, Kulavanigapuram, Palayamkottai, Tirunelveli District.

5.In such circumstances, the writ petition is disposed of giving direction to the first respondent to issue NOC to the petitioner in respect of the property in Plot No.3 in Survey No.559/1, Kulavanigapuram, Palayamkottai, Tirunelveli District within a period of two weeks from the date of receipt of copy of this order. No costs."

3.In view of the same, the present writ petition stands ordered directing the respondents to grant No Objection Certificate to the petitioners' land in Survey Nos.555/4-A, 557/1 and 558/1 measuring an extent of 6.16 acres at Kulavanigapuram, Palayamkottai Taluk, Tirunelveli District. The said exercise has to be carried out within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

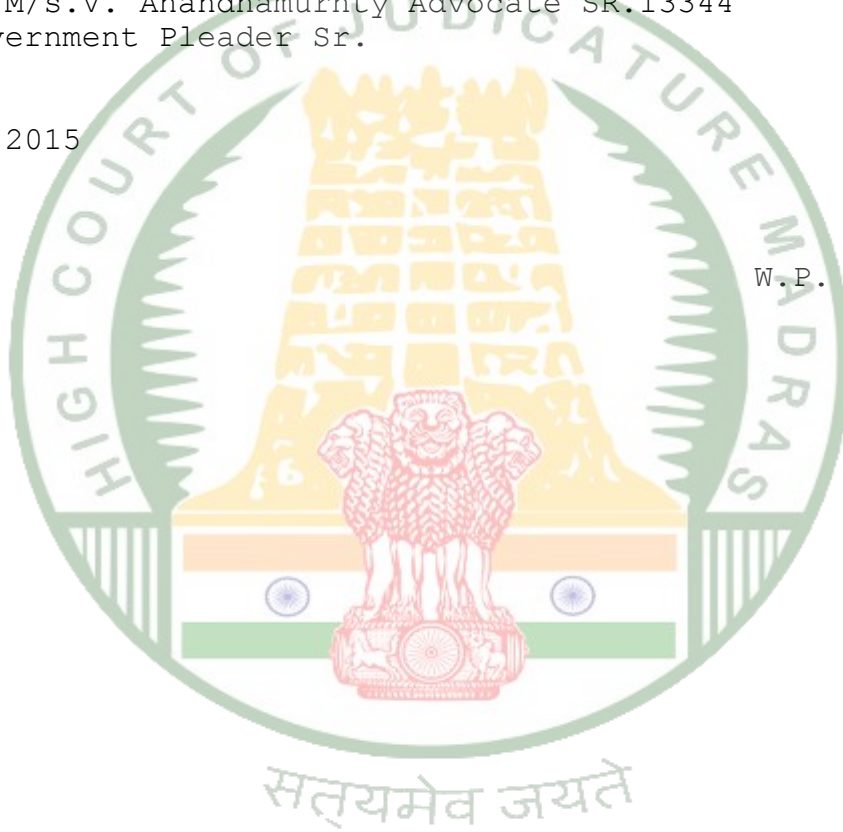
1.The Chairman,
Tamil Nadu Housing Board,
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2.The Executive Engineer and
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Tirunelveli.

+ 1 cc to M/s. S. Kamadevan, Advocate SR.13702
+ 1 cc to M/s.V. Anandhamurthy Advocate SR.13344
+ 1 cc Government Pleader Sr.

RSK(CO)
EU 21.03.2015

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