

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.10912 of 2016
and
W.M.P.No.9505 of 2016

A.R.K.Varadharajan

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
 2. The Administrative Officer/Executive Engineer,
Tamil Nadu Housing Board,
Ayyanthirumaligai Road, Asthampatti,
Salem - 8.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to issue No Objection Certificate to the petitioner, in respect of the land comprised in S.No.245/8, situate at Jagir Ammapalayam, Salem West Taluk, Salem District, to the extent of 17,000 sq. ft. equivalent to 39 1/2 cents by considering the order passed by this Court in W.P.No.20238 of 2015, dated 23.09.2015.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Nandakumar

O R D E R

Heard Mr.C.Prakasam, the learned counsel appearing for the petitioner, and Mr.D.Nandakumar, the learned counsel, who accepts notice for respondents. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioner has filed this Writ Petition seeking for the following relief:-

For issuance of mandamus on the respondents to issue No Objection Certificate to the petitioner, in respect of the land comprised in S.No.245/8, measuring an extent of 17,000 sq. ft. equivalent to 39 1/2 cents, situate at Jagir Ammapalayam, Salem West Taluk, Salem District, in the light of the order passed by this Court in W.P.No.20238 of 2015, dated 23.09.2015.

3. The land owned by the petitioner along with contiguous extent of lands were subject matter of land acquisition proceedings for the scheme to be promoted by Tamil Nadu Housing Board, pursuant to the notification issued under Section 4 (1) of the Land Acquisition Act, 1894 in G.O.Ms.No.525 of Housing and Urban Development Department, dated 26.05.1985, (hereinafter, referred to as 'the Act') and the declaration issued under Section 6 of the Act, in G.O.Ms.No.1408, dated 03.09.1986. The petitioner along with his vendor filed a Writ Petition, being W.P.No.20238 of 2015, challenging the land acquisition proceedings, and to quash the same as having been lapsed on account of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), for, in terms of Section 24 (1) (A) of the said Act, the provisions of new Act alone would be applicable. The said Writ Petition was allowed by order, dated 23.09.2015. Thus, the land acquisition proceedings had been set aside. The petitioner requested for grant of No Objection Certificate by submitting a representation, and the same is still pending, while the neighboring landowners, whose lands comprised in S.No.243/11, 243/12, 243/13 and 242/7, which were also affected by the same acquisition proceedings, have been granted NOC by the second respondent vide letters, dated 10.02.2016 and 07.03.2016, which have been communicated to the Sub Registrar, Suramangalam, Salem. As long as there is no difference between the petitioner's case and the case relating to the other two landowners, the second respondent is not justified in keeping the petitioner's representation alone pending without consideration. Hence, there will be a direction to the second respondent to consider the petitioner's representation, dated 18.01.2016, and take note of all facts, as the acquisition proceedings have been held to be lapsed, and consider the petitioner's case on par with other land owners, if there is no legal impediment, issue NOC to the petitioner, as has been done in the case of other erstwhile landowners, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

sd

-s/d-

Assistant Registrar (AS)

True Copy

Sub-Assistant Registrar

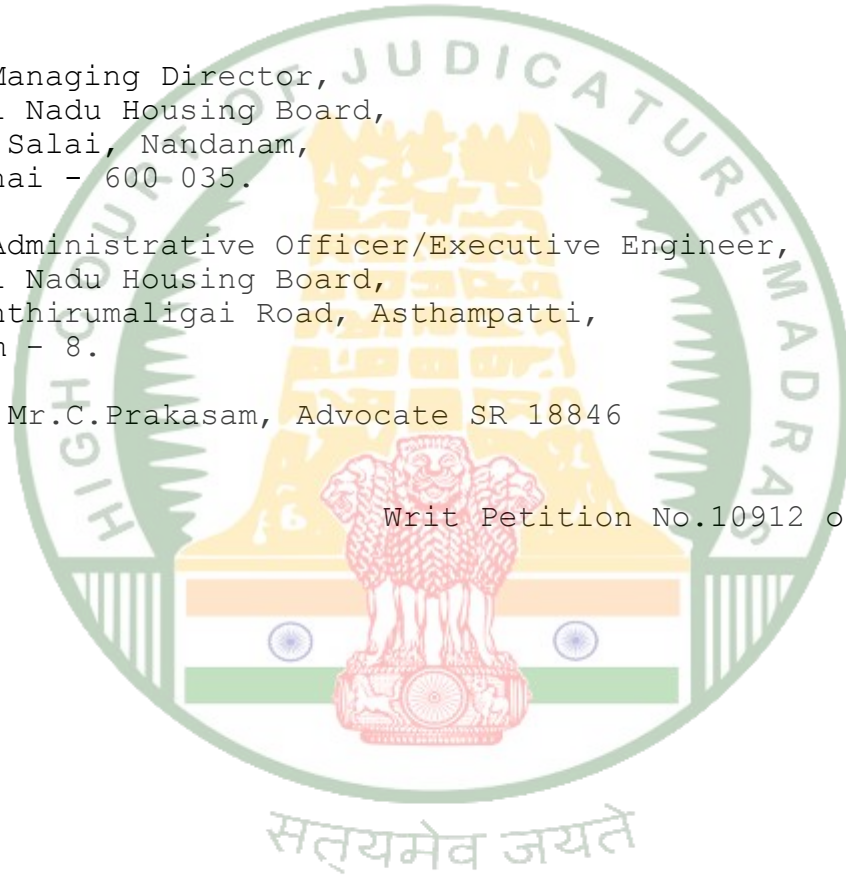
To

1. The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Administrative Officer/Executive Engineer,
Tamil Nadu Housing Board,
Ayyanthirumaligai Road, Asthampatti,
Salem - 8.

+ 1 cc to Mr.C.Prakasam, Advocate SR 18846

ala(co)
prk4/4

Writ Petition No.10912 of 2016



WEB COPY