

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2015

Coram

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

Writ Petition No.31105 of 2015

D.Hemanth Kumar

...Petitioner

Vs.

1. The Tahsildar,
Coimbatore North,
Coimbatore - 641 018.
2. The Managing Director,
Tamil Nadu Housing Board,
No.800, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Executive Engineer Cum Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Coimbatore - 641 012.
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme No.II,
Collectorate, Coimbatore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first respondent to issue patta in respect of house sites, bearing Plot Nos.239 and 240, measuring about 1581 sq.ft., and 1467 sq.ft., measuring a total extent of 3048 sq.ft., in S.No.315/1 of Kalapatti Village, Coimbatore Taluk and District, without

insisting NOC from the respondents 2 and 3 within the time, as stipulated by this Court.

For Petitioner	:	Mr.R.Bharath Kumar
For Respondents 1 and 4	:	Mr.R.Rajeswaran
		Special Government Pleader
For Respondents 2 and 3	:	Mr.B.Vivekvannan
		Standing Counsel
		for (Tamil Nadu Housing Board,)

ORDER

Heard the learned counsel on both sides and perused the materials placed on record. With consent, the Writ Petition is disposed of.

2. The prayer sought for in the Writ Petition, is for issuance of a Writ, in the nature of Mandamus, directing the first respondent to grant patta in respect of house sites, bearing Plot Nos.239 and 240, measuring a total extent of 3048 sq.ft., comprised in S.No.315/1 of Kalapatti Village, Coimbatore Taluk and District, without insisting on No Objection Certificate (NOC) from respondents 2 and 3, viz., Tamil Nadu Housing Board.

3. It is not in dispute that the land acquisition proceedings, which were initiated by the Government for the formation of Neighbourhood

Scheme in Kalapatti Village by the Tamil Nadu Housing Board was questioned by the landowners before this Court in W.P.Nos.1607 to 1610 of 2009, and those Writ Petitions were allowed by the learned Single Judge, by a common order, dated 30.08.2010. Against the said order, the Tamil Nadu Housing Board filed Writ Appeals before the Hon'ble First Bench, in which, I was also a party, and the First Bench, by judgment dated 16.08.2011, dismissed the Writ Appeals, and the said judgment was also reported in **(2011) 5 C.T.C. 503** *in re (Tamil Nadu Housing Board rep. by Chairman and Managing Director and another Vs. Uma Maheswari Ramaswamy and others)*.

4. In the light of the above judgment, the question of insisting on NOC from the Housing Board does not arise. Therefore, the Writ Petition is disposed of, by directing first respondent to consider the petitioner's Application for grant of patta, dated 06.10.2014, without insisting upon NOC from the Housing Board and pass appropriate orders on merits and in accordance with law on the petitioner's application within a period of eight weeks from the date of receipt of a copy of this order. No costs.

06.11.2015

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Index : yes/no

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T.S.Sivagnanam, J.

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