

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33490 of 2016

M.Vivekanandan

.. Petitioner

Versus

1. The State of Tamil Nadu,  
represented by its Secretary,  
Housing and Urban Development Department,  
Fort Saint George, Chennai - 600 009.
  2. The Managing Director,  
Tamil Nadu Housing Board, Nandanam, Chennai - 600 035.
  3. The Executive Engineer,  
Tamil Nadu Housing Board, Bagalur Road, Hosur-635 109.
  4. The District Revenue Officer, (S),  
TNHB, Hosur.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents herein to consider the petitioners representation dated 06.09.2016 and to pass order to issue No Objection Certificate to him certifying that his land of an extent of 0.28.5 Hectare comprised in Dry S.No.931/1, Hosur Town, Hosur Taluk, Which is free from acquisition proceedings.

For Petitioner : Mr.R.Srinivasalu

For R1 : Mr.S.V.Duraisolaimalai  
Additional Government Pleader

For RR2 to 4 : Mr.V.Ananthamurthy

ORDER

Heard Mr.R.Srinivasalu, learned counsel for the petitioner, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader for the first respondent and Mr.V.Ananthamurthy, learned standing counsel for the respondents

2 to 4. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition has been filed praying for the issuance of writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 06.09.2016 and to issue No Objection Certificate certifying that the land of an extent of 0.28.5 Hectare comprised in Dry S.No.931/1, Hosur Town, Hosur Taluk, which is free from acquisition proceedings.

3. The petitioner is the owner of the land comprised in survey no.931/1 in Hosur. The said land was the subject matter of Land Acquisition proceedings for the project of the Tamil Nadu Housing Board. This acquisition was put to challenge by the petitioner in WP No.18935 of 1993. The said writ petition was heard, along with other connected matters, and by order dated 14.08.2000, the acquisition proceedings were quashed. Thereafter, the petitioner submitted a representation for grant of No Objection Certificate stating that the petitioner's land is free from acquisition.

4. This representation was not considered. Therefore, the petitioner filed a writ petition before this Court in WP No.28466 of 2010, which was disposed of, by order, dated 15.12.2010, directing the Housing Board to consider the representation.

5. Even thereafter, nothing appears to have happened and therefore the petitioner's counsel sent a legal notice, for which, the third respondent has stated that the petitioner has given a wrong survey number as S.No.93/1 whereas the correct survey number is S.No.931/1. However, the third respondent has stated that the competent authority to grant No Objection Certificate is only the respondent-Board. Therefore, the petitioner submitted another representation on 05.09.2016, which has been received by the respondents and till date, no orders have been passed.

6. Considering the fact that the acquisition proceedings were quashed as early as on 14.08.2000 and as on date, the lands are free from acquisition, there will be a direction to the respondents 2 and 3 to consider the representation of the petitioner dated 06.09.2016 and issue No Objection Certificate, certifying that the lands comprised in survey no.931/1, Hosur Town and Taluk, is free from acquisition proceedings. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,  
State of Tamil Nadu,  
Housing and Urban Development Department,  
Fort Saint George, Chennai - 600 009.
2. The Managing Director,  
Tamil Nadu Housing Board,  
Nandanam, Chennai - 600 035.
3. The Executive Engineer,  
Tamil Nadu Housing Board, Bagalur Road,  
Hosur-635 109.
4. The District Revenue Officer, (S),  
TNHB, Hosur.

+1cc to Mr.R.Srinivasulu, Advocate Sr.54273  
+1cc to Mr.V.Anandhamoorthy, Advocate SR.55017

सत्यमेव जयते

W.P.No.33490 of 2016

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srg 30/09/2016

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