

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3510 of 2016

1. R.Vivekanandam
2. V.Kadhirvelu
3. Dr.V.Sachidanandam

... Petitioners

vs

1. The State of Tamil Nadu
rep.by the Secretary to Government
Government Housing and Urban
Development, Fort St.George
Chennai 600 009.
2. The Chairman and Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai 600 035.
3. The Executive Engineer
Tamil Nadu Housing Board
Erode Housing Unit
Surampatti Nal Road, Erode 638 009.
4. The District Collector
Erode Collectorate
Perundurai Road
Erode District 638 011.
5. The Special Tahsildar
Land Acquisition in charge
Revenue Divisional Officer
Brough Road, Erode 638 001.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to issue No Objection Certificate to construct residential house, to obtain Bank loan and to sell the said property to third parties with regard to Survey No.RS No.743/1, 743/1B, 743/1C, 745/1D, 743/1E, 743/1F totally measuring an extent of 0.95.5 hec[2.36 acres] within the time that may be fixed by this Court.

For Petitioners : Mr.R.Karthikeyan
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the second respondent to issue No Objection Certificate to construct residential house, to obtain Bank loan and to sell the said property to third parties with regard to Survey No.RS No.743/1, 743/1B, 743/1C, 745/1D, 743/1E, 743/1F totally measuring an extent of 0.95.5 hec[2.36 acres] within the time that may be fixed by this Court.

2. The case of the petitioner is that they are the absolute owners of the Survey No.RS. No.743/1, 743/1B, 743/1C, 745/1D, 743/1E, 743/1F totally measuring an extent of 0.95.5 hec [2.36 acres]. According to the petitioners, earlier the property was acquired by the respondents by issuing 4(1) Notification for Neighbourhood scheme and Section 6 Declaration was also issued. Later, the said declaration made under Section 6 of the Act was quashed by the order of this Court dated 31.10.2001 and thereafter, till date the respondents have not acquired the property for any purpose and to that effect proceedings were also issued by the Tahsildar, Erode and also directed the second respondent not to insist on No Objection Certificate for the purpose of issuing plan permission or building approval. It is their further contention that for issuance of the No Objection Certificate, they have remitted the necessary fees and the second respondent has also acknowledged the same by issuing receipt dated 12.12.2014. However, till date no order has been passed issuing No Objection Certificate. Therefore, the petitioners find it difficult to mortgage the property for getting bank loan and for other purposes. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and Mrs.P.Rajalakshmi learned Government Advocate appearing on behalf of the respondents, who would submit that if sufficient time is granted by this Court, the second respondent will consider the representation submitted by the petitioners dated 12.12.2014.

4. Though very many contentions have been raised by the petitioner in the writ petition, the learned counsel for the petitioners would ultimately submit that the present writ petition has been filed only seeking a direction to the second respondent to consider their representation dated 12.12.2014 for the issuance of the No Objection Certificate for the property situated in Survey No.RS. No.743/1, 743/1B, 743/1C, 745/1D, 743/1E, 743/1F totally measuring an extent of 0.95.5 hec [2.36 acres].

5. In view of the above fact and also considering the submission made by the learned Government Advocate appearing on behalf of the respondents, the second respondent is directed to consider the representation of the petitioners dated 12.12.2014 with regard to the issuance of the No Objection Certificate purely on merits and in accordance with law and pass appropriate orders thereon, within a period of six weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any opinion with regard to the claim made by the petitioners.

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

vj2

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

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of Tamil Nadu
Housing and Urban Development Department
Fort St.George
Chennai 600 009.

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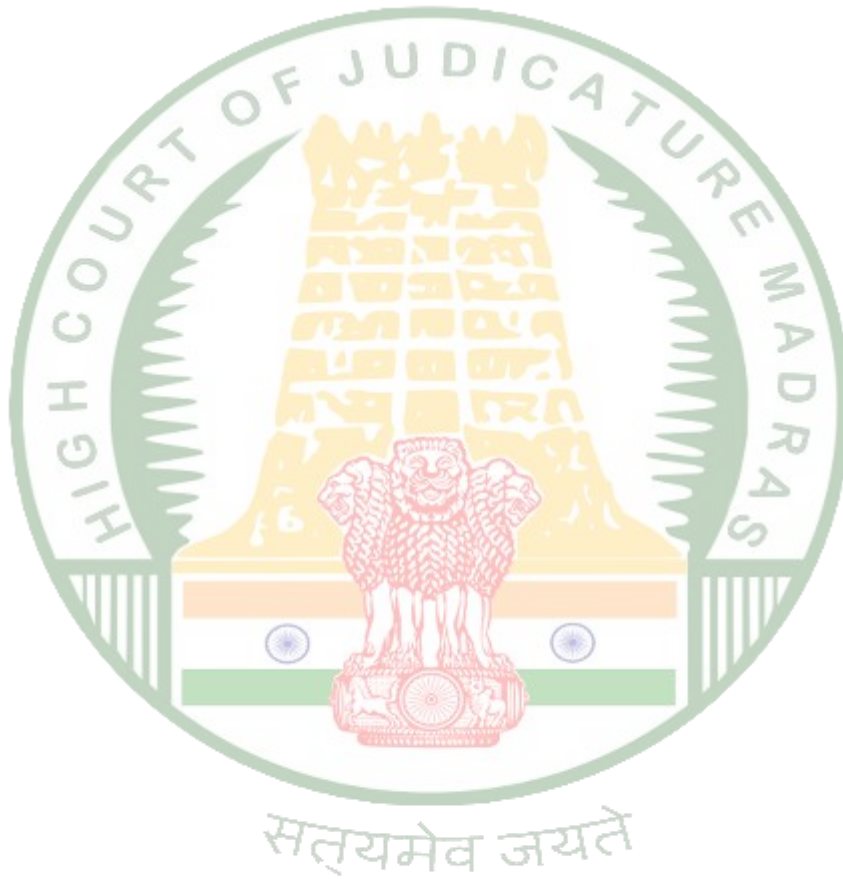
5. The Special Tahsildar
Land Acquisition in charge
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Brough Road, Erode 638 001.

+ 1 cc to Mr.V.Anandhamurthy, Advocate SR 6735

+ 1 cc to Mr.R.Karthikeyan, Advocate SR 6291

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