

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.3734 of 2016

1. L.N.Aranganathan
2. S.Seetharaman
3. E.Srinivasan

.. Petitioners

Vs.

The Managing Director
Tamil Nadu Housing Board
Nanthanam, Chennai-35.

2.The Executive Engineer
Administrative Officer
Tamil Nadu Housing Board
Salem Housing Unit
Ayyan Thirumaligai Road,
Salem-636008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to issue No Objection Certificate (NOC) in respect of petitioner's property in S.No.52/2, total an extent of 16¼ cents situated at Mitta Iyyamperumampatty village, Salem Taluk and District based on the application dated on 09.07.2012 within stipulated time and pass further orders.

For Petitioner : M/s.M.R.Jothimanian
For respondents : Mr.V.Anandamoorthy, AGP.

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus directing the first respondent to issue No Objection Certificate (NOC) in respect of petitioner's property in S.No.52/2, total an extent of 16¼ cents situated at Mitta Iyyamperumampatty village, Salem Taluk and District based on the application dated on 09.07.2012.

3.The learned counsel for the petitioner submitted that the first respondent issued NOC dated 18.07.2013 to one M.Karthe in respect of the same SF.No.52/1 etc - Extent 4.83 ¼ acres

pursuant to the order of this Court dated 03.02.2007 made in WP.No.28878/2004. Following the same, the petitioners are also entitled for getting NOC based on their representation dated 09.07.2012 and 10.07.2014.

4.The learned counsel appearing for the respondents submitted that as on date, no representation has been received by the respondents and the petitioner has not produced any proof for submitting the representations.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned counsel for the respondents who accepts notice on behalf of the respondents.

6.This Court, taking into consideration the limited scope of the prayer sought for by the petitioners and without going into the merits of the same, directs the petitioners to submit a fresh representation to the respondents by enclosing a copy order of this order within a period of two weeks from the date of receipt of a copy of this order. On such representation, the respondents shall consider the same on merits and in accordance with law and pass orders within a period of eight weeks thereon, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, and on payment of necessary scrutiny fees.

7.The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Managing Director
Tamil Nadu Housing Board
Nanthanam, Chennai-35.

2.The Executive Engineer
Administrative Officer
Tamil Nadu Housing Board
Salem Housing Unit
Ayyan Thirumaligai Road,
Salem-636 008.

+1 cc to Mr.M.R.Jothimanian Advocate sr.6746

+1 cc to Mr.V.Anandhamurthy Advocate sr.6764

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