

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8234 of 2016

Mrs.V.Karpagavalli

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-600 035.

2. Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012.

... 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 in respect of the petitioner's representation, dated 04.02.2016 and payment receipt, vide CQ: 60743 in Form CBA 02, dated 05.02.2016 by the first respondent, within time frame.

For Petitioner : Mr.T.V.Suresh Kumar for
M/s.Genicon and Associates

For Respondents : Mr.B.Viveka Vanan

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to issue No Objection Certificate in respect of the petitioner's representation, dated 04.02.2016 and payment receipt, vide CQ:60743 in Form CBA 02, dated 05.02.2016 issued by the first respondent, within time frame.

2. The petitioner is the legal owner of the property measuring an extent of 4.60 acres of land, comprised in Survey No.14, T.S.No.3, Ward No.24 and Block No.3, Krishnarayapuram Village, Coimbatore North Taluk, Coimbatore District. After the demise of the petitioner's mother, who originally possessed the said property, the petitioner acquired the said property by virtue of legacy and is in absolute possession of the same. The said property was under the land acquisition proceedings by the Tamil Nadu Housing Board, at the time of when her mother was alive, vide G.O.Ms.No.597, Housing and Urban Development

Department, dated 14.03.1983. Her mother challenged the land acquisition proceedings before this Court in W.P.No.724 of 1985, which was allowed by this Court on 23.10.1991 along with batch of Writ Petitions, against which, the Tamil Nadu Housing Board preferred Writ Appeal in W.A.No.1156 of 1994, which was dismissed by judgment dated 30.04.2001, which has become final as no appeal had been preferred to the Supreme Court. The petitioner submitted an application/representation dated 04.02.2016, along with necessary fee, to the first respondent to issue No Objection Certificate, which has been accepted and payment receipt in CQ.60743 in Form CBA 02, dated 05.02.2016 was also issued. Almost sixteen years lapsed from the date of judgment of the Writ Appeal, but till date, the respondents have not taken any action in respect of the said application/representation. Hence, she has preferred this Writ Petition for the above relief.

3. Heard both sides.

4. Without going into the merits of the case, the petitioner is directed to give a copy of the said application/representation, dated 04.02.2016, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order, to the first respondent, and on receipt of such representation, the first respondent is directed to consider the same and after conducting enquiry and giving an opportunity of hearing to the petitioner and other necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

CS

To

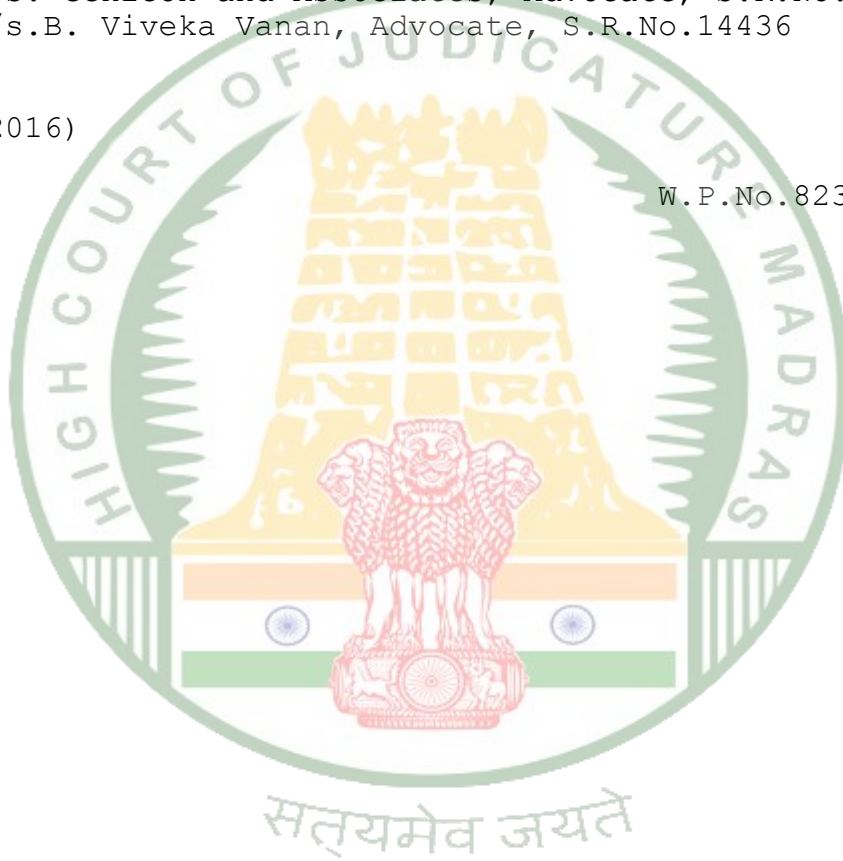
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493, Anna Salai, Nandanam,
Chennai-600 035.

2. Tamil Nadu Housing Board,
Tatabad, Coimbatore-641 012.

+lcc to M/s. Genicon and Associates, Advocate, S.R.No.14241
+lcc to M/s.B. Viveka Vanan, Advocate, S.R.No.14436

RSK(CO)
EU(09/03/2016)

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