

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.23666 of 2016
and
W.M.P.No.20255 of 2016

L.Narayana Reddy ... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.
2. The Special Tahsildar (L.A),
Tamil Nadu Housing Board,
Bagalur Road, Hosur Taluk,
Krishnagiri District. ... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the first respondent in Letter No.Lq.Special 2/12883/15 dated 07.06.2016 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to issue 'no objection certificate' for the land in S.No.930/2B to an extent of 0.40.5 Hectares at Hosur, Krishnagiri District by considering the petitioner's representation dated 15.05.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.V.Anandamoorthy (For R1)
Mr.R.A.S.Senthilvel
Additional Government Pleader (For R2)

O R D E R

This writ petition has been filed for issuance of writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the first respondent in Letter No.Lq.Special 2/12883/15 dated 07.06.2016 and quash the same as illegal,

incompetent and ultravires and consequently direct the respondents to issue 'no objection certificate' for the land in S.No.930/2B to an extent of 0.40.5 Hectares at Hosur, Krishnagiri District by considering the petitioner's representation dated 15.05.2015.

2. The petitioner is the owner of the land with an extent of 0.40.5 hectares in S.No.930/2B. The acquisition proceedings initiated against the petitioner and similarly placed person including one Vivekanandan was quashed by the order of this Court in W.P.Nos.18935 to 18938 of 1993 dated 14.08.2000.

3. The petitioner, thereafter, sought for 'no objection certificate' from the first respondent. As the said request was not considered, this Court has directed the said respondent to do so in W.P.No.21878 of 2015 dated 22.07.2015 in the following manner:

"5.Though the petitioner has prayed for a larger relief, this Court, without taking into consideration the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 15.05.2015 in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner."

4. However, by the impugned order, the request of the petitioner was once again rejected. Challenging the same, the present writ petition has been filed.

5. Learned counsel for the petitioner would submit that in so far as the similarly placed person, viz., Vivekanandan is concerned, the writ petition filed by him in W.P.No.33490 of 2016 has been allowed on 23.09.2016. Hence, the present writ petition will have to be allowed.

6. Learned counsel for the first respondent would submit that on the petitioner satisfying the title 'no objection certificate' will be granted.

7. Considering the very same issue, this Court was pleased to pass the following order:

"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."

8. It is not in dispute that the petitioner has filed a writ petition along with the said Vivekanandan and got an order in W.P.Nos.18935 to 18938 of 1993 as early as on 14.08.2000 which has become final. The petitioner is entitled for similar order passed by this Court in W.P.No.33490 of 2016 dated 23.09.2016 referred above.

9. In such view of the matter, the writ petition stands allowed on the very same terms. However, the petitioner will have to produce the relevant document to show his title. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.
2. The Special Tahsildar (L.A),
Tamil Nadu Housing Board,
Bagalur Road, Hosur Taluk,
Krishnagiri District.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.39688
+1cc to Mr.V.Anandamoorthy, Advocate, S.R.No.39736
+1cc to the Government Pleader, S.R.No. 39781

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GP(CO)
CS/14/06/17