

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.30208 of 2016

N. Ramathal

... Petitioner

Versus

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

2.The Executive Engineer & Administrative Officer
Tamil Nadu Housing Board, Tatabad
Coimbatore 641 012.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider and issue a No Objection Certificate with respect to the petitioner's representation dated 07.01.2016 and payment receipt vide, CQ:55113 in Form No.CBA02 dated 07.01.2016, within a stipulated time.

For Petitioner :Mr.S.Venugopal raj

For Respondents :Mr. B. Vivekavan

ORDER

In the affidavit filed in support of the writ petition, it is contended that the petitioner is the absolute owner of 51 1/2 cents of land in S.Nos.75/3B & 76/1 having acquired the same by means of a registered settlement deed dated 24.12.2014 executed by her husband. According to the petitioner, even in the year 1985, the government issued GO Ms. No.132, Housing and Urban Development Department dated 30.01.1985 to acquire several properties, including the property presently owned by the petitioner for implementing a scheme called "Anna Nagar Neighbourhood Scheme" and at that time, the property stood in the name of her husband Mr. K. Natarajan. The petitioner's husband therefore has filed WP No. 4718 of 1985 before this Court challenging the acquisition proceedings initiated by the

Government. The said writ petition was taken up for hearing along with other connected batch and ultimately, by an order dated 11.12.1991, the acquisition proceedings were quashed. In fact, during the interregnum, the revenue records in respect of the above said land stood transferred in the name of the Housing Board and therefore, after the acquisition proceedings were quashed, the petitioner's husband filed WP No. 14945 of 1998 and on the basis of the order dated 24.09.1998 passed in the said writ petition, the revenue records were restored in the name of husband of petitioner's husband. Subsequently, the petitioner's husband settled the land in question in favour of the petitioner on 24.12.2014. The petitioner, claiming that she is the owner of the aforesaid land, has submitted an application to the Tahsildar, Perur for issuing No Objection Certificate to her and a No Objection Certificate was also issued on 04.09.2015. Thereafter, the petitioner submitted representations on 26.06.2015, 22.09.2015 and 11.12.2015 to the Member Secretary, Coimbatore Local Planning Authority seeking Planning Permission approval with an intention to put up a construction in the land. In response, the petitioner was directed to obtain a No Objection Certificate from the Tamil Nadu Housing Board as a condition precedent for considering her planning permission application. The petitioner therefore submitted a representation on 07.01.2016 to the respondent seeking to issue a No Objection Certificate to her, however, the said application has not been considered, hence, she has filed this writ petition.

2. The learned counsel for the petitioner would contend that there is no embargo for the respondents to issue No Objection Certificate to the petitioner especially when the acquisition proceedings have been quashed by this Court even on 11.12.1991 and it has become final.

3. The learned counsel for the respondents would only contend that at the time of submitting the representation seeking No objection certificate, the petitioner has only produced the settlement deed executed in her faovur in the year 2014. If the petitioner produces all the relevant documents as are required, the respondents will consider the petitioner's representation dated 07.01.2016.

4. I heard the learned counsel for both sides. As per the direction issued by this Court on 18.01.2017, the petitioner, a Senior Citizen, is present. The petitioner is also accompanied by her husband Natarajan and son-in-law Balakrishnan.

5. It is evident from the above facts that there is no embargo or bar for the respondents to consider issuing No Objection to the petitioner. During the course of hearing, it is submitted that the petitioner is ready and willing to produce

all the documents in her possession to establish the title in respect of the land in question in her favour. Therefore, if such documentary evidence are produced by the petitioner, the second respondent shall consider the same for grant of no objection certificate in favour of the petitioner. The petitioner is directed to submit all the documentary evidence in her possession to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider it, afford an opportunity of hearing and thereafter pass appropriate orders within a period of two months thereafter.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai 600 035.
- 2.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board, Tatabad,
Coimbatore 641 012.

+1cc to M/S.Arun Shabari, Advocate Sr.9236

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srg 28/03/2017

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