

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.34313 of 2016

S.Bharathkumar

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

2. The Managing Director,
Tamil Nadu Housing Board
Anna Salai, Nandanam, Chennai-35.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the respondent to issue a 'No Objection Certificate' confirming the ownership of the lands in S.No.811 of Chennathur Village, Hosur Taluk, Krishnagiri, in pursuance of the order in W.P.No.31591 of 2014.

For Petitioner : Mr.V.Raghavachari

For 1st Respondent : Mr.A.N.Thambidurai,
Special Government Pleader

For 2nd Respondent : Mr.V.Ananthamoorthy,
Standing Counsel

ORDER

The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to issue a 'No Objection Certificate' confirming the ownership of the lands in S.No.811 of Chennathur Village, Hosur Taluk, Krishnagiri, in pursuance of the order in W.P.No.31591 of 2014.

2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the 1st

respondent and the learned Standing Counsel appearing for the 2nd respondent.

3. The case of the petitioner is that the lands situate at Survey No.811 at Chennathur Village belongs to him. While so, the Housing and Urban Development Department had initiated land acquisition proceedings in 1986 in respect of certain lands including the lands belongs to the petitioner. Thereafter, following the procedure stipulated under the Land Acquisition Proceedings, award has been passed.

4. The further case of the petitioner is that since after passing of the award, no steps have been taken, the petitioner filed W.P.No.31591/2014 seeking Mandamus to declare the land acquisition proceedings initiated in respect of his extent of land as lapsed in view of Section 24(2) of the Right to fair compensation Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and the same was allowed on 01.04.2014.

5. Thereafter, the petitioner made a representation before the 2nd respondent dated 15.05.2016 requesting to issue a "No Objection Certificate" for the extent of the land belongs to the petitioner in the aforesaid survey number. Since no reply is forthcoming, the petitioner is before this Court with this writ petition.

6. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the 2nd respondent would submit that as per the New Act in respect of the Land Acquisition Proceedings, the 2nd respondent has nothing to do with the matter, it is only for the Government to give patta and other connected documents.

7. Recording the said statement of the learned Standing Counsel appearing for the 2nd respondent, this Court is of the view that the 2nd respondent has got no power to issue a "No Objection Certificate" as sought for by the petitioner and it is only for the 1st respondent to consider the representation of the petitioner dated 15.05.2016 and pass appropriate orders thereon, after giving an opportunity of personal hearing to the petitioner, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this Order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-9.
2. The Managing Director,
Tamil Nadu Housing Board
Anna Salai, Nandanam, Chennai-35.

+1cc to Mr.Anandha murthy, Advocate, S.R.No.5560
+1cc to Mr.Raghvachari, Advocate, S.R.No.5340
+1cc to the Government Pleader, S.R.No.5400

AK(CO)
RS(15/02/2017)

W.P.No.34313 of 2016

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