

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.14501 of 2018
and WMP.No.17109 of 2018

Varma Constructions Private Ltd.,
Rep. by its Managing Director,
R.Malarvizhi,

..Petitioner

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
No.480, Anna Salai,
Nandanam, Chennai -35.
2. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Unit,
Ayyanthirumaligai Main Road,
Salem - 8.
3. The Commissioner,
Salem City Municipal Corporation,
Salem -1.
4. The Member Secretary,
Salem Local Planning Authority,
Salem -5.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 1st respondent to issue No Objection Certificate to the petitioner in respect of land situated in S.No.81/1, (T.S.No.4/1), Ayyamperumalpatti Village and Post, Salem Taluk, Salem District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.V.Anandamurthy

Standing Counsel for R1 & R2

: Mrs.K.Bhuvaneswari

Standing Counsel for R3

:Mr.V.Shanmugasundaram

Special Government Pleader for R4

ORDER

Mr.V.Anandamurthy, learned Standing Counsel takes notice on behalf of the respondents 1 and 2, Mrs.K.Bhuvaneswari, learned Standing Counsel takes notice for the third respondent and Mr.V.Shanmugasundaram, learned Special Government Pleader takes notice for the fourth respondent. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. The petitioner has filed this writ petition for issuance of a writ of Mandamus to direct the first respondent to issue No Objection Certificate to the petitioner in respect of land situated in Survey.No.81/1, (T.S.No.4/1), Ayyamperumalpatti Village in Salem District.

3. The case of the petitioner is that the land in Survey No.81/1 at Ayyamperumalpatti Village was acquired by the Government by invoking the Land Acquisition Proceedings. The original owners, viz., Velusamy and Perumal challenged the acquisition proceedings in W.P.No.32416 of 2014 and this Court had allowed the writ petition on 18.12.2014. On the same day, the original owners sold the property to one Syam Karthick and the petitioner became the absolute owner of the said property, vide sale deed dated, 31.08.2015.

4. The petitioner would state that they approached the third respondent for building plan approval, but the third respondent insisted the petitioner to furnish No objection Certificate from the Tamil Nadu Housing Board. Then, the petitioner made a written representation to the first respondent on 24.05.2018, requesting to issue No Objection Certificate. Since no order was passed, the present writ petition.

5. The learned Counsel for the petitioner submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioner.

6. The learned Standing Counsel for the respondents submitted that the petitioner has not produced any proof of submitting representation and if a fresh representation is given, the same would be considered in accordance with law.

7. In the light of the above facts and submissions of the learned counsels on either side, this Court, directs the petitioner to give fresh representation to the first respondent, by enclosing a copy of this order, within a period of two weeks. On such compliance, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks therefrom.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Managing Director,
Tamil Nadu Housing Board,
No.480, Anna Salai,
Nandanam, Chennai -35.
2. The Executive Engineer & Administrative Officer,
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Salem - 8.
3. The Commissioner,
Salem City Municipal Corporation,
Salem -1.
4. The Member Secretary,
Salem Local Planning Authority,
Salem -5.

+1cc to Mr.C.Prakasam, Advocate sr.no.38237
+1cc to Mr.V.Anandamurthy, Advocate sr.38068
+1cc to Mrs.K.Bhuvaneswari, Advocate sr.38501
+1cc to Government Pleader in sr.no.38719

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