

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.16054 of 2018
and WMP.No.19072 of 2018

N.Ramamoorthy

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
No.4480, Anna Salai,
Nandanam, Chennai -35.

2. The Executive Engineer &
Administrative Officer, Tamil Nadu Housing Board,
Salem Housing Unit, Ayyanthirumaligai Main Road,
Salem - 8.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to issue No Objection Certificate to the petitioner in respect of land situated in S.Nos.76/1, 76/2, 76/3, 76/5 and 80/4, Ayyamperumalpatti Village and Post, Salem Taluk, Salem District.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.R.V.Babu, Standing Counsel

ORDER

The prayer in this writ petition is for issuance of a writ of mandamus, directing the first respondent to issue No Objection Certificate to the petitioner in respect of his lands situated in Survey Nos. 76/1, 76/2, 76/3, 76/5 and 80/4, Ayyamperumalpatti Village and Post, Salem Taluk and District.

2. The case of the petitioner is that his father Narayanan along with his brothers purchased lands in Survey Nos. 76/1, 76/2, 76/3, 76/5 and 80/4, in Ayyamperumalpatti Village and Post, Salem Taluk and District in the year 1940 and they were acquired by the respondents in the year 1981 and 1984. The petitioner would further claim that the land acquisition proceedings were set aside by this Court in W.P.No.9807 of 1986 on 20.11.1996.

3. The learned counsel for the petitioner submitted that when the petitioner approached the respondents for transfer of patta, the officials were not inclined to consider the same, however, pursuant to the order passed in W.P.No.27844 of 2008, patta was issued in favour of the petitioner.

4. The learned counsel further submitted that the petitioner approached the respondents by submitting a representation dated 06.09.2013 and also paid Rs.4,000/- for issuance of No Objection Certificate. Since no order was passed, the present writ petition.

5. The learned Standing Counsel for the respondents submitted that even on 24.10.2013, a letter was addressed to the petitioner, seeking further clarification, but no details were given to the respondents and if the petitioner gives a fresh representation, the same will be considered in accordance with law.

6. Taking note of the above facts and the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the petitioner to give fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall consider the same and pass appropriate orders purely on merits and in accordance with law, within a period of six weeks therefrom.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

pvs

+1cc to Mr.R.V.Babu, Advocate Sr.46462
+1cc to Mr.C.Prakasam, Advocate Sr.47156

WP.No.16054 of 2018

ap[co]
srg 25/07/2018