IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.11959 and 11960 of 2017

S.Ragpunisha .. Petitioner
in W.P.No.11959 of 2017

S.Kamarudeen .. Petitioner
in W.P.No.11960 of 2017

Vs

1.The Managing Director,
Tamilnadu Housing Board,
No.33, Anna Salai, Nandanam,
Chennai - 600 035.

2.The District Revenue Officer (Planning),
Tamilnadu Housing Board,
No.33, Anna Salai, Nandanam,
Chennai - 600 035.

3.The Executive Engineer/Administrative Officer,
Tamilnadu Housing Board,
Villupuram Housing Board Branch,
East Pondy Road,
Maharajapuram,
Villupuram - 605 602. .. Respondents
in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records of the proceedings of the 2nd respondent in Nos.Na.5(6)/8927/2014 and Na.5(6)/8928/2014, dated 02.06.2015 and quash the same and direct the respondents to issue "No Objection Certificate" for constructing petitioners' house situate in S.No.43/2B at Jayaraj Nagar, Plot Nos.37 and 38, 2535 and 2580 Sq.fts, Salamedu Village, Villupuram District.

For Petitioners : Mr.P.Kannan
(in both W.Ps)

For Respondents : Mr.V.Anandhamurthy
Additional Government Pleader
(in both W.Ps)

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C O M M O N O R D E R

The petitioners have come up with these writ petitions to quash the proceedings of the second respondent dated 02.06.2015 and for consequential relief.

2. The case of the petitioners is that they purchased the properties in Survey No.43/2B, Plot Nos.37 and 38, measuring to an extent of 2535 sq.ft and 2580 sq.ft. respectively, at Salamedu Village, Villupuram District and decided to construct houses in the afore said properties. They applied for No Objection Certificate before the first respondent, but the second respondent in his proceedings dated 02.06.2015 rejected their applications on the ground that the properties of the petitioners were allotted for construction of separate houses by Tamil Nadu Housing Board. Hence, they submitted separate representations dated 23.08.2016 to the respondents 2 and 3, to issue No Objection Certificate or to grant compensation for having acquired their lands. Since no order has been forthcoming, the petitioners are before this Court.

3. Today, when the matter was taken up for consideration, the learned Standing counsel appearing for the respondents, on instructions, submitted that the petitioners' representations would be considered by the respondents on merits and in accordance with law.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents to consider the representations of the petitioners dated 23.08.2016 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioners as well as any other interested parties, within a period of six weeks, from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status quo as on date.

5. With the above direction, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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  East Pondy Road,
  Maharajapuram,
  Villupuram - 605 602.

+2cc to Mr.P.Kannan, Advocate, S.R.No.67784 and 67785.
+2cc to Mr.V.Anandhamurthy, Advocate, S.R.No.67975

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rrs 04/10/2018

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