

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9788 of 2020

P.Santhalingam

... Petitioner

Vs.

1. Tamil Nadu Housing Board,
Rep by its Managing Director,
Nandanam,
Chennai 600 035.
 2. Executive Engineering cum
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tatabad, Coimbatore 641 012.
 3. The Special Tahsildar (Land Acquisition)
Coimbatore Housing Scheme,
Tatabad, Coimbatore 641 012.
- ...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 09.04.2019 requesting for issuance of No Objection Certificate to the petitioner in respect of his lands having a total extent of Acres 13.39 Cents comprised in Survey Nos.204/3A (5.27 Acres); 204/3B (0.05 Acres); 205/3A (2.36 Acres); 205/3B (0.72 Acres) all in Block No.46; 226/1A (1.76 Acres) and 226/1B (3.23 Acres) both in Block No.16, situated in Vilankurichi Revenue Village within Coimbatore North Taluk in Coimbatore District and pass appropriate orders within a reasonable time to be fixed by this Court.

For Petitioner : Mr.D.Krishnamoorthy

For Respondents : Mr.M.Baskar,
Standing Counsel for R1 and R2
Mr.D.Raja
Additional Government Pleader for R3

O R D E R

This writ petition has been filed for the issuance of writ of Mandamus directing the second respondent to consider the representation made by the petitioner on 09.04.2019 and to issue No Objection Certificate to the petitioner with respect to the subject properties.

2.It is seen from the records that the property has already been acquired by the Government and handed over to the Tamil Nadu Housing Board who are the Requisitioning Body. According to the petitioner, the property has not been utilised by the Housing Board for a long period of time. Therefore, the petitioner wanted to deal with the property and hence applied for patta before the Revenue Authority. The Revenue Authority insisted for a No Objection Certificate from the Housing Board. The petitioner, therefore, made a representation to the first and second respondents seeking for No Objection Certificate. Since the same was not considered, the present writ petition has been filed before this Court to direct the first and second respondents to issue No Objection Certificate to the petitioner.

3.Heard Mr.D.Krishnamoorthy, learned counsel appearing on behalf of the petitioner, Mr.M.Baskar, learned Standing Counsel appearing on behalf of the respondents 1 and 2 and Mr.D.Raja, learned Additional Government Pleader appearing on behalf of the third respondent.

4.A careful reading of the representation made by the petitioner on 15.03.2019 shows that the properties were already acquired and it has vested with the Tamil Nadu Housing Board. In view of the same, there is no question of the petitioner seeking for a No Objection Certificate and the petitioner must actually seek for re-conveyance of the property, if he is so entitled. Once the Housing Board has become the owner of the property after the acquisition, unless the property is reconveyed back to the petitioner, seeking for a No Objection Certificate from Housing Board will not serve the purpose.

5.This Court, is therefore, of the considered view that issuing directions to the first and second respondents to consider the representation made by the petitioner will be of no use since such a certificate cannot be granted. It is left open to the petitioner to seek for re-conveyance of the property, if he is so entitled and it is for the respondents to consider the same and pass orders in accordance with law.

6. In view of the above, this Court does not find any ground to grant the relief claimed by the petitioner. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai 600 035.
 2. Executive Engineering cum
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tatabad, Coimbatore 641 012.
 3. The Special Tahsildar (Land Acquisition)
Coimbatore Housing Scheme,
Tatabad, Coimbatore 641 012.
- + 1 cc to the Government Pleader, in Sr.No.26102

ssv (co)
rr ii (01/09/2020)

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