

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

CORAM:

THE HON'BLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.8450 of 2020

Smt.T.Devaki,
W/o Mr. T. Thirunavakarasu,
No. A-03, Third Floor,
Jeno Sugumaran Apartments,
Azees Nagar, Puducherry -605 010

... Petitioner

Vs.

1. The Deputy Collector (Revenue) North
-cum-Land Acquisition Officer,
Government of Puducherry,
Puducherry.

2. The Special Secretary,
Department of Revenue
and Disaster Management,
Government of Puducherry,
Puducherry

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to issue a No Objection Certificate to the Petitioner to deal with/alienate/construct the subject lands, namely, the lands ad measuring about 1,00,851 Square Feet comprised in S.Nos.242/2A/1A of Thattanchavady Revenue Village, Oulgaret Taluk, by considering the representations dated 05-11-2019 and 12-03-2020.

For Petitioner : Mr. P.V.Ramachandran

For Respondents : Mr. D.Ravichandran

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O R D E R

Today, this matter is listed for consideration by this Court through Video Conferencing on account of pandemic COVID -19.

2.With the consent of the learned counsel appearing for both the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, she is the owner of the lands admeasuring to an extent of 1,00,851 sq.ft. comprised in S.Nos.242/2A/1A of Thattanchavady Revenue Village, Oulgaret Taluk, Pondicherry, which lands were proposed to be acquired by the second respondent for the purpose of constructing a Legislative Assembly complex and Secretariat for the Union Territory of Puducherry. Since the petitioner created equitable mortgage over the said lands, M/s.Kotak Mahindra Bank Ltd. challenged the said acquisition proceedings by filing W.P.No.3632 of 2015 and obtained an order of interim stay. It is the further case of the petitioner that during the pendency of the said writ petition, she sent a representation dated 04.11.2019 to the first respondent seeking No Objection Certificate for the purpose of selling the lands in question. However, the said representation was not considered by the first respondent. In the mean while, the said W.P.No.3632 of 2015 came to be allowed vide order dated 19-02-2020. Enclosing a copy of the said order passed by this Court in WP.No.3632 of 2015, the petitioner again made a representation dated 12.03.2020 seeking no objection certificate, which was also not considered by the first respondent. Hence, the petitioner has approached this Court with the present writ petition seeking a direction to the first respondent to consider her representations dated 04.11.2019 and 12.03.2020 and issue a no objection certificate to deal with / alienate / make construction in the lands in question.

4. The learned counsel for the petitioner submitted that there is no appeal pending as against the order dated 19.02.2020 passed by this Court in W.P.No.3632 of 2015 and hence, the first respondent may be directed to consider the representations submitted by the petitioner relating to issuance of no objection certificate with respect to the lands in question.

5. The learned counsel taking notice for the respondents fairly submitted that if there is no proceedings pending in respect of the lands in question, the first respondent would consider the claim of the petitioner and pass appropriate orders, on merits, within a time frame to be stipulated by this Court.

6. 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 claim made by the petitioner, directs the first respondent to pass appropriate orders on the representations dated 04-11-2019 and 12-03-2020 submitted by the petitioner, if there is no other proceedings pending in respect of the lands in question. The said exercise shall be done by the first respondent, on merits and in accordance with law, after affording due opportunity of

personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS-III)

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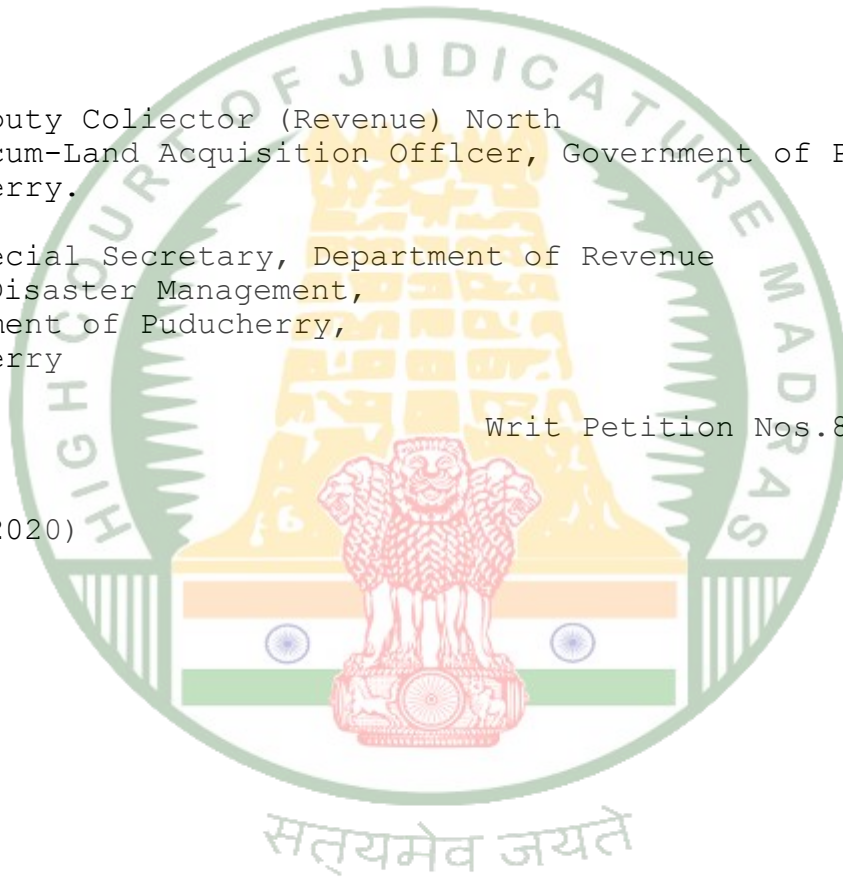
Sub-Assistant Registrar

To

1. The Deputy Collector (Revenue) North
-cum-Land Acquisition Offlcer, Government of Puducherry,
Puducherry.
2. The Special Secretary, Department of Revenue
and Disaster Management,
Government of Puducherry,
Puducherry

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RLD(CO)
SP(30/07/2020)



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