



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

WEB COPY

W.P.(MD) No.5604 of 2020

Jeyaparvathi

... Petitioner

/vs./

1.The Government of Tamil Nadu,
represented by its Principal Secretary to Government,
Department of Housing and Urban Development,
Fort St.George, Chennai-9.

2.The Tamil Nadu Housing Board,
Represented by its Managing Director,
493, Anna Salai,
Nandanam, Chennai-600 035.

3.The Special Tahsildar (L.A),
Neighbourhood Scheme, Tuticorin,

4.The Executive Engineer (Administration)
Tirunelveli Housing Board,
Kamarajar Salai, Anbu Illam,
Tirunelveli-627 001.

5.The Sub Registrar,
Registration Office (Joint I),
Thoothukudi, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 4 to forthwith grant or issue NOC in respect of petitioner's land in Plot No.23, (measuring an extent of 3.15 cents, approximately 1100 Sp.Ft), situated in Sy.No.122/2 in Sankaraperi Village, Thoothukudi District, on the basis of the petitioner's representation dated 20.02.2020, within the time stipulated by this Court.

For Petitioner	: Mr.P.M.Vishnuvarthanan
For R-1 and R-3	: Mrs.J.Padmavathi Devi Special Government Pleader
For R-2 and R-4	: Mr.M.Mahaboob Athiff Standing Counsel
For R-5	: Mr.V.Anand Government Advocate



ORDER

The Writ Petition has been filed in the nature of Mandamus seeking examination of representation given by the petitioner, dated 20.02.2020, by the fourth respondent, namely, the Executive Engineer (Administration), Tirunelveli Housing Board, Kamarajar Salai, Anbu Illam, Tirunelveli.

2. The writ petitioner, namely, Jeyaparvathi, wife of Manokar, who is residing at 107J/4C, TMB Colony 4th Street, Thoothukudi, has claimed that she is the absolute owner of Plot No.23, measuring to an extent of 3.15 cents, situated in Survey No.122/2, Sankaraperi Village, Thoothukudi District and that she has purchased the same by registered document in Doc No.805 of 2018, dated 19.04.2018, from her sister namely Rajeswari. She further claims that her sister Rajeswari was entitled to the property by another registered document in Document No.3149 / 2009, dated 03.09.2009. The petitioner further states that by G.O.Ms.No.1173, dated 29.07.1986, the third respondent namely, the Special Tahsildar (L.A), Neighbourhood Scheme, Tuticorin, had initiated acquisition proceedings of several lands in Sankaraperi Village and the said acquisition was questioned before the Principal Bench, by filing Writ Petitions. Thereafter, the acquisition itself was withdrawn by the Housing Board with respect to survey No.122 / 2. The petitioner claims that the plot, which she has purchased and which is under her possession falls under the exempted survey Number. Her plot is Plot No.23. She has been enjoying of the possession of the said plot. The petitioner now has intended to deal with the said plot. For that purpose, No objection Certificate is required and therefore, she had given a representation as stated above on 20.02.2020.

3. In these circumstances, a mandamus is issued primarily to the fourth respondent, to examine the representation by issuing notice for appearance of the petitioner / representative of the petitioner, also examine the records and thereafter, pass orders on reasons. This exercise shall be completed by the fourth respondent on or before 24.04.2020. In turn, the fourth respondent may communicate the result of such enquiry to the second respondent and the second respondent may pass appropriate orders on or before 08.05.2020.

4. With the above observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
Department of Housing and Urban Development,
Fort St.George, Chennai-9.

2..The Special Tahsildar (L.A),
Neighbourhood Scheme, Tuticorin,

3.The Sub Registrar,
Registration Office (Joint I),
Thoothukudi, Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-12456[F] dated 19/03/2020)

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18.03.2020

TSG

MS/VR/SAR-3/24.03.2020/3P.5C