



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WP(MD)No.8547 of 2020

R.Leelavathy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai - 35.

2.The Executive Engineer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Madurai - 10.

3.The Secretary,
NOC Committee, Nandhanam,
Chennai.

... Respondents

(R3 was suo motu impleaded vide court order dated 03.08.2020)

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue No Objection Certificate to the petitioner's land in R.S No.8/5 in Madakkulam Village, Ellis Nagar, Madurai as per the petitioner's representation on 12.03.2019 to the first respondent within a time frame Fixed by thus Court.

For Petitioner : Mr.R.Ramasamy

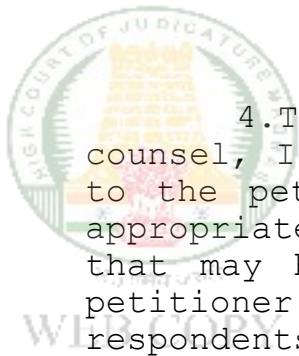
For Respondents : Mr.Mohamed Athiff

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent board.

2.The petitioner's husband purchased the petition mentioned property way back in the year 1963. It was acquired by Housing Board. The petitioner's husband filed WP No.564 of 1982 along with others. He was successful in getting the acquisition proceedings cleared. The petitioner's husband had passed away in the year 2018. The petitioner wants NOC from the respondent in respect of the petition mentioned land.

3.I went through the materials on record and it is fairly obvious that the petitioner is entitled to such NOC from the respondents. But then, the learned standing counsel would state that since Housing Board had developed the area, the petitioner may have to be put on certain terms. It is only the NOC Committee which can deliberate on this aspect of the matter and in view of the current pandemic times, he wants a reasonable time to issue such an NOC.



4.Taking note of the submission of the learned standing counsel, I direct the respondents to issue No Objection Certificate to the petitioner in respect of the petition mentioned land with appropriate terms. If the petitioner is aggrieved by the terms that may be imposed by NOC Committee, it is always open to the petitioner to move this Court again challenging the same. The respondents shall complete the entire exercise within a period of five months from the date of receipt of a copy of this order.

5.This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandhanam,
Chennai - 35.

2.The Executive Engineer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Madurai - 10.

3.The Secretary,
NOC Committee, Nandhanam,
Chennai.

WP (MD)No.8547 of 2020
18.09.2020

SCR(CO)
KB(07.10.2020) 2P 4C