



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13685 of 2020

WEB COPY

N.Namasivayam

: Petitioner

Vs.

1. The Secretary, NOC Committee,
Tamil Nadu Housing Board,
Nungampakkam High Road, Chennai.
2. The Managing Director,
Tamil Nadu Housing Board,
Nungampakkam High Road, Chennai.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to issue the No Objection Certificate to the petitioner's land in R.S.No.8/5 in Madakulam Village, Ellis Nagar, Madurai as per the petitioner's representation, dated 12.03.2019 to 1st respondent within a time frame fixed by this Court.

For Petitioner
For Respondents

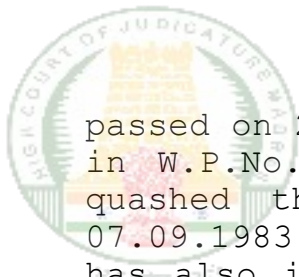
:Mr.R.Ramasamy
:Mr.M.Mahaboob Athiff
Standing Counsel

ORDER

This Writ Petition is filed for a Mandamus seeking for a direction to direct the respondents to issue No Objection Certificate to the petitioner's land in R.S.No.8/5 in Madakulam Village, Ellis Nagar, Madurai, as per the petitioner's representation, dated 12.03.2019 to the first respondent within a time frame to be fixed by this Court.

2.Heard Mr.R.Ramasamy, learned Counsel appearing for the petitioner and Mr.M.Mahaboob Athiff, learned Counsel appearing for the respondents.

3.The petitioner claims to be the absolute owner of the aforementioned property. The Government issued 4(1) Notification under the Land Acquisition Act to acquire the petitioner's land for the formation of Ellis Nagar Housing scheme. An award was also



passed on 25.03.1982. The petitioner's father filed a Writ Petition in W.P.No.564 of 1982 and in the said Writ Petition, this Court quashed the land acquisition notification, by its order dated 07.09.1983. Subsequently, the Principal Secretary of the Government has also issued a Government Order in G.O.No.244, dated 14.07.2008 to give No Objection Certificate to the persons, whose lands were dropped from the land acquisition. According to the petitioner, till date, No Objection Certificate has not been issued by the Government as per G.O.No.244, dated 14.07.2008. The petitioner has also given a representation on 12.03.2019 to the respondents seeking for No Objection Certificate. According to him, till date, the said representation has not been considered by the respondents. In such circumstances, this Writ Petition has been filed.

4.The relief sought for by the petitioner in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner, dated 12.03.2019 is considered by the respondents on merits and in accordance with law.

5.Admittedly, the land acquisition proceedings initiated against the petitioner's land have been dropped. It is also submitted by the learned Counsel for the petitioner that the similarly placed persons have already been granted No Objection Certificate. However, No Objection Certificate will have to be granted only by the third respondent based on the report received from the first respondent.

6.Accordingly, this Court directs the third respondent to consider the representation of the petitioner, dated 12.03.2019 for issuance of No Objection Certificate for the petitioner's land at R.S.No.8/5 in Madakulam Village, Ellis Nagar, Madurai, after receiving a report from the first respondent and pass final orders on merits and in accordance with law within a period of five months from the date of receipt of a copy of this order.

7.With the above directions, this Writ Petition is disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

cmr

W.P. (MD)No.13685 of 2020

15.10.2020