



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.16747 of 2020

M.Rahamathunnisha Beevi
represented by his Power Agent
P.Kathiresan.

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.

2.The Executive Engineer and
Administrative Officer,
Tirunelveli Housing Unit,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue a "No Objection Certificate" for change of patta in respect of the lands in Survey No.554/1, 555/2, 556/1 and 549/2, measuring an extent of 1.06 acres, 0.36 acres, 1.69 acres and 0.66 acres respectively, situated at Kulavanigarpuram, Palayamkottai Taluk, Tirunelveli - 11, on the basis of the petitioner's representation dated 05.11.2020.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.Mahaboob Athiff,
Standing counsel

ORDER

(This writ petition heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue No Objection Certificate for change of patta in respect of the lands in Survey Nos.554/1, 555/2, 556/1 and 549/2, measuring an extent of 1.06 acres, 0.36 acres, 1.69 acres and 0.66 acres respectively, situated at Kulavanigarpuram, Palayamkottai Taluk, Tirunelveli - 11, on the basis of the petitioner's representation dated 08.11.2020.



2. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.Mahaboob Athiff, learned Standing counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that Land acquisition proceedings initiated against the petitioner's land as well as other lands in the same village were quashed by orders of this Court dated 07.03.2000. It is the case of the petitioner that he has given a representation on 05.11.2020, to the first respondent, requesting for issuance of No Objection Certificate for development of his lands, which were earlier the subject matter of land acquisition and subsequently dropped. According to him, similarly placed owners were also granted No Objection Certificate by the respondents. But till date, his representation, dated 05.11.2020, has not been considered by the respondents. In such circumstances, this writ petition has been filed.

5. Mr.Mahaboob Athiff, learned Standing counsel, who accepts notice on behalf of the respondents, on instructions would submit that by a decision of the Honourable Supreme Court in the case of Tamil Nadu Housing Board Vs. S.Saraswathi, reported in 2015 (8) SCC 723, the Honourable Supreme Court has held that only vigilant persons, who had earlier challenged the land acquisition proceedings, were entitled for issuance of No Objection Certificate from the Tamil Nadu Housing Board.

6. The said contention is recorded by this Court. However, whether the petitioner is entitled or not for issuance of No Objection Certificate, it is for the respondents to consider his representation dated 05.11.2020, on merits and in accordance with law and in the light of the decision rendered by the Honourable Supreme Court referred to by the learned Standing Counsel for the respondents. No prejudice will be caused to the respondents, if the representation of the petitioner dated 05.11.2020, is considered by them on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 05.11.2020 seeking for issuance of No Objection Certificate for his lands in Survey Nos.554/1, 555/2, 556/1 and 549/2, measuring an extent of 1.06 acres, 0.36 acres, 1.69 acres and 0.66 acres respectively, situated at Kulavanigarpuram, Palayamkottai Taluk, Tirunelveli - 11 and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

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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, Nandanam,
Chennai - 600 035.
2. The Executive Engineer and
Administrative Officer,
Tirunelveli Housing Unit,
Tirunelveli District.

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VB (07.12.2020) 3P 3C