



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:26.11.2020
CORAM
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

WEB COPY

W.P. (MD)No.16888 of 2020

Radheen

... Petitioner

Vs.

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

2.The District Collector,
District Collectorate Office,
Kanyakumari District,
Nagercoil.

3.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

4.The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme,
Nagercoil, Kanyakumari District.

5.The Executive Engineer,
Tamil Nadu Housing Board,
Sivanthipatti Road,
Tirunelveli-11.

6.The District Registrar,
Department of Registration,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to issue No Objection Certificate to the petitioner regarding the petitioner's property in Old Survey No.1935, New Survey No.3/4-5 situated at Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District based on the petitioner's representation dated 18.09.2020.

For Petitioner : Mr.L.George Paul Anto

For Respondents 1 to 4 : Mr.K.P.Krishnadoss

Special Government Pleader

For Respondent No.5 : Mr.Mahaboob Athiff

For Respondent No.6 : Mr.K.Sathiya Singh

Additional Government Pleader



ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to issue No Objection Certificate to the petitioner regarding the petitioner's property in Old Survey No.1935, New Survey No.3/4-5 situated at Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District based on the petitioner's representation dated 18.09.2020.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4, Mr.K.Sathiya Singh, learned Additional Government Pleader accepts notice for sixth respondent and Mr.Mahaboob Athiff, learned counsel accepts notice for the fifth respondent.

4. The case of the petitioner is that the petitioner purchased a land in Old Survey No.1935, New Survey No.3/4-5 to an extent of 10 cents situated at Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District on 17.07.2009 vide Document No.2256 of 2009 registered at Sub Registrar Office, Nagercoil, Kanyakumari District. As per the notification by the first respondent under Section 4 (1) of the Land Acquisition Act in G.O.Ms.No.1213 (Housing and Urban Development) Department, dated 17.09.1991 as well as declaration under Section 6 of the Act in G.O.Ms.No.854 dated 14.12.1992, the officials of the respondents 2 to 4 ordered the petitioner to vacate his property, stating that his property was already acquired by the fourth respondent. Hence, the petitioner filed a writ petition in W.P.(MD).No.20225 of 2013 before this Court seeking a direction to the respondents not to proceed with further as per the 4(1) notification as well as the above said Government Orders. This Court, by order dated 05.09.2017 directed the respondents not to proceed further with regard to the petitioner's property as well as others, on the ground that the said acquisition proceedings were quashed by this Court in the case of ***N.Chelladurai vs. The Government of Tamilnadu rep. by the Secretary to Government, (2000 (3) CTC 215)*** and on another ground that Section 5A of the Tamilnadu Land Acquisition Act and Rule 4(b) of the Land Acquisition Rules have not been followed. Thereafter, the petitioner approached the sixth respondent to register sale deed regarding to his property, at that time he was informed that he should get No Objection Certificate from the respondents 1 to 5, otherwise the document cannot be registered by the sixth respondent office. The petitioner also informed about the communication sent by the third respondent to the sixth respondent in Na.Ka.No.Aa3/63/2014-2, dated 24.02.2015. Hence, the petitioner made representation to the respondents 1 to 5 on 18.09.2020. However, the same has not been considered so far. In such circumstances, the petitioner has



approached this Court.

5. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 18.09.2020 is disposed of by the respondents at the earliest after providing adequate opportunity to the petitioner.

6. Learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the fifth respondent is the competent authority to consider the representation of the petitioner and to pass suitable orders on the same.

7. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the fifth respondent/the Executive Engineer, TNHB, Tirunelveli, to consider the representation dated 18.09.2020 submitted by the petitioner and to pass appropriate orders in accordance with law, as early as possible, if there is no legal impediment to do so.

8. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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 Secretary,
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Fort St.George,
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2.The District Collector,
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Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Revenue Divisional Officer,
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Kanyakumari District.

4.The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme,
Nagercoil, Kanyakumari District.6.The District Registrar,
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+1 CC to M/s.GP (SR-23098[F] dated 27/11/2020)

W.P. (MD) No.16888 of 2020
26.11.2020

tp(CO)

KK(17.12.2020) 4P 8C