



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P (MD)No.27300 of 2019**

E.Pathirakali

... Petitioner

Vs.

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

2.The Tamil Nadu Housing Board,  
Rep 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-627 011.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 & 4 to forthwith grant or issue NOC in respect of petitioner land in Plot No.6 & 8 (Measuring an extent of 10.13 cents), situated in Sy.No.132/2B, 132/2C and 132/3C in Sankaraperi Village, Thoothukudi District, on the basis of the representation dated 30.10.2019, within the time stipulated by this Court.

For Petitioner : Mr.P.M.VishnuVarthanan

For R1 to R3 & R5 : Mr.V.Anand

Government Advocate

For R4

: Mr.Md.Athiff

**ORDER**

Heard Mr.P.M.Vishnuvarthanan, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate, who takes

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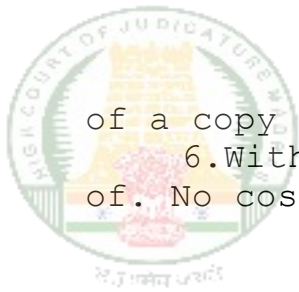
notice on behalf of the respondents 1 to 3 & 5 and Mr.Athiff, learned counsel takes notice on behalf of the fourth respondent.

2.This writ petition has been filed seeking for issuance of a writ of Mandamus, directing the respondents 2 & 4 to issue NOC in respect of the petitioner's land in Plot No.6 & 8 (Measuring an extent of 10.13 cents), situated in Sy.No.132/2B, 132/2C and 132/3C in Sankaraperi Village, Thoothukudi District, on the basis of his representation dated 30.10.2019.

3.In the affidavit filed in support of the petition, it has been stated that the petitioner is the absolute owner of the above mentioned property. The third respondent has issued G.O.Ms.No.1173, dated 29.07.1986 stating that the respondent/Housing Board initiated acquisition proceedings in many survey numbers at Sankaraperi Village and later on, the said proceedings had been withdrawn. Further, it is stated that recently, in the very same layout Plot No.9, has been alienated vide Doc.No.46/2016, dated 12.01.2016. Hence, the petitioner approached the Housing Board Authority to release her land from the acquisition proceedings, but no steps have been taken. Further, it is stated that after acquiring the petitioner's land, till date no compensation has been awarded by the respondent/Housing Board either under the Tamil Nadu State Housing Board Act, 1961 or under the Land Acquisition Act, 1984. Therefore, the respondent/Housing Board is bound to give NOC to the petitioner's land. In this regard, she made a representation to the respondent/Housing Board on 30.10.2019. Since no action has been taken, the petitioner is before this Court.

4.The learned Government Advocate states that the respondents 1 to 3 and 5 will consider the claim of the petitioner in accordance with law and dispose of the same within the time stipulated by this Court.

5.Though the petitioner seeks a direction for issuance of NOC with respect to her plot from the second respondent/Housing Board, the learned counsel, who has accepted notice on behalf of the second respondent states that the petitioner has to pay the developmental charges and the compensation paid as per the award etc., without deciding this question, the direction cannot be issued as prayed for. Hence, the petitioner is directed to appear before the fourth respondent, who may issue a notice of hearing, based on the representation of the petitioner dated 30.10.2019. Thereafter, the petitioner is directed to appear before the authorities concerned, who should be given a personal hearing and the authorities concerned shall pass appropriate orders on the condition for issuance of NOC. The said exercise shall be completed within a period of six weeks from the date of receipt



of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

Ns

To:

1. The Principal Secretary to Government,  
Government of Tamil Nadu,  
Department of Housing and Urban Development,  
Fort St. George,  
Chennai-9.
2. The Managing Director, Tamil Nadu Housing Board,  
493, Anna Salai,  
Nandanam,  
Chennai-600 035.
3. The Special Tahsildar (L,A)  
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4. The Executive Engineer (Administration)  
Tirunelveli Housing Board,  
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Anbu Illam,  
Tirunelveli-627 011.
5. The Sub Registrar,  
Registration Office (Joint I)  
Thoothukudi,  
Thoothukudi District.

+1 CC to MR.PM.VISNUVARTHANAN, Advocate ( SR-18[F] dated 02/01/2020 )

+1 CC to MR.M.MAHABOOB ATHIFF, Advocate ( SR-31[F] dated 02/01/2020 )

+1 CC to SPL.GP ( SR-274[F] dated 06/01/2020 )

**W. P (MD) No. 27300 of 2019**

**02.01.2020**

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