



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13076 of 2015

Chandra Textiles Pvt Ltd.
Rep by its Managing Directorate
Mrs.R.Nandini,
Registered Office:
1708, Avinashi Road,
Civil Aerodrome Post,
Coimbatore - 641 014.

... Petitioner

Vs

1. The Chairman-cum-Managing Director,
Tamilnadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Special Tahsildar(Land Acquisition)
Housing Scheme II,
Coimbatore Housing Unit Campus,
Tatabad, Coimbatore - 641 012.

... Respondents

(R2-impealed as per Court Order Dated 09.10.2018 in
WMP.No.4690 of 2018 in WP.No.13076 of 2015)

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent herein to issue No Objection Certificate to the petitioner in respect of the lands in S.F.Nos.417/1, 418, 420/1 and 421/1 situated in Kalapatty West Village at Coimbatore North Taluk, Coimbatore District, to the extent of 5.43.0 Hec. (13.50 acres) owned by M/s.Chandra Textiles(P) Ltd., the petitioner herein, forthwith.

For Petitioner : Mr.T.R.Rajagopalan, Senior counsel
for M/s.C.V.Vijayakumar

For Respondents: Mr.Dr.R.Gowri for R1

Mr.K.M.D.Muhilan
Government Advocate for R2



O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to issue 'No Objection Certificate' to the petitioner in respect of the lands in S.F.Nos.417/1, 418, 420/1 and 421/1 situated in Kalapatty West Village at Coimbatore North Taluk, Coimbatore District, to the extent of 5.43.0 Hec. 13.50 acres).

2. The petitioner company had filed WP No.24358 of 2005, questioning the Section 4(1) Notification dated 15.06.1994 and also the Section 6 Declaration dated 31.03.2005 on the ground that the Section 6 Declaration was notified beyond one year from the date of Section 4(1) Notification and also raised additional grounds that the Section 5A enquiry was conducted by the Special Tahsildar (Land Acquisition), Coimbatore Housing Scheme Unit I instead of Special Tahsildar (Land Acquisition), Coimbatore Housing Scheme Unit II, who had been authorised by the notification issued by the Tamil Nadu Government to conduct enquiry as per the Gazette notification.

3. This Court on hearing all the parties allowed the writ petition and quashed the notifications. The order became final, as the learned counsel for the 1st respondent states that the writ petition filed in the year 2008 is in SR stage and not further proceeded. Thereby, the order passed in the writ petition became final and as of now, the acquisition proceedings initiated by the Government stands quashed.

4. The Special Tahsildar (Land Acquisition) in response to an application filed by the applicant under Right to Information Act, furnished an information stating that there is no document to show that any writ appeal was filed challenging the final order passed in WP No.24358 of 2005.

5. This being the factum, the learned senior counsel appearing on behalf of the writ petitioner reiterated that the petitioner is entitled to get 'No Objection Certificate', for the purpose of putting up the construction, in accordance with law.

6. It is made clear that the acquisition proceedings cannot stand in the way of considering the request of the writ petitioner for a 'No Objection Certificate', for the purpose of construction. However, the other requirements for issuing such certificate is to be looked into by the competent authorities and by considering the application submitted by the petitioner seeking 'No Objection Certificate'.



7. Thus, the petitioner is at liberty to submit a fresh application before the 1st respondent seeking 'No Objection Certificate', by enclosing all the relevant documents and evidences, within a period of four weeks from the date of receipt of a copy of this order. In the event of receiving any such application from the writ petitioner, the 1st respondent is directed to consider the same on merits and in accordance with law and dispose of the same within a period of twelve weeks from the date of receipt of the application from the writ petitioner.

8. With these directions, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rap/ars
To

1. The Chairman-cum-Managing Director,
Tamilnadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Special Tahsildar(Land Acquisition)
Housing Scheme II,
Coimbatore Housing Unit Campus,
Tatabad, Coimbatore - 641 012.

+lcc to Mr.C.V.Vijayakumar, Advocate Sr.50330
+lcc to the Government Pleader Sr.50850

W.P.No.13076 of 2015

pch[co]
srg 25/10/2021