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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.5977 OF 2019

AND

W.M.P.NOS.6806, 6808 AND 6814 OF 2019

- 1.B.Rukmani
- 2.B.Kanchana @ Sreedevi
- 3.Sugendran
- 4.Anuradha

...Petitioners

(Petitioners-1 to 4 Represented by their
General Power of Attorney Agent -
S.M.H.Sheik Mohamed, Residing at No.125,
Veda Salai, Kulasekarapuram, Chinmaya Nagar,
Chennai - 600 092)

vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort Saint George,
Chennai - 600 009.
- 2.The Principal Secretary and Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
No.2, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.
- 3.Tamil Nadu Housing Board (TNHB),
Rep. by its Chairman,
Nandanam, Chennai - 600 035.
- 4.The District Revenue Officer-cum-Chief Administrative Officer,
Market Management Committee,
Chennai Metropolitan Development Authority (CMDA),
Omni Bus Stand, Koyembedu,
Chennai - 600 107.
- 5.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 004.



6.The Sub Registrar,
No.124, Arcot Road,
Virugambakkam,
Chennai - 600 092.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th Respondent relating to the proceedings issued in Lr.No.100/2018/Land/MMC dated. 07.2018, quash the same and consequently direct the 6th Respondent to receive, admit, register and release the documents to be presented by the Petitioner in respect of the land to an extent of 1.53 acres in Survey No.91 situated at Nerkundram Village, Maduravoyal Taluk, Thiruvallur District, without insisting upon any No Objection Certificate (NOC).

For Petitioners	:	Mr.ARL.Sundaresan, Sr. Counsel for Mr.T.Vedi
For R1	:	Mr.P.Baladhandayutham Special Government Pleader
For R2	:	Mrs.P.Veena Suresh Standing Counsel
For R3	:	Mr.M.Baskar Standing Counsel
For R5 and R6	:	Mr.Yogesh Kannadasan Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent relating to the proceedings issued in Lr.No.100/2018/Land/MMC dated .07.2018, quash the same and consequently direct the 6th respondent to receive, admit, register and release the documents to be presented by the petitioners in respect of the land to an extent of 1.53 acres in Survey No.91 situated at Nerkundram Village, Maduravoyal Taluk, Thiruvallur District, without insisting upon any 'No Objection Certificate' (NOC).

2. The case of the petitioners is that the land admeasuring to an extent of 0.79 acres comprised in S.No.90/2 and land admeasuring to an extent of 1.53 acres in S.No.91 situated at Nerkundram Village, Maduravoyal Taluk, Thiruvallure District, owned by the petitioners' father, who acquired title to the said



lands by the Sale Deed dated 25.08.1958 registered vide Document No.2380 of 1958. While being so, on the request of the Tamil Nadu Housing Board, the Government of Tamil Nadu had proposed to acquire the subject lands and a notification under Section 4(1) of the Land Acquisition Act, 1984 (hereinafter referred to as 'the Act' for short) was issued on 11.06.1975 for the purpose of formation of 'New Neighbourhood Scheme' known as 'K.K.Nagar Further Extension Scheme'. Subsequently, a declaration under Section 6 of the Act was issued on 07.06.1978 and thereafter, the award was passed on 21.03.1983 in Award No.3/83.

3. However, the adjacent land owners challenged the land acquisition proceedings before this Court in W.P.No.2804 of 1983 and W.P.No.3751 of 1984. By the orders dated 30.03.1988 and 29.01.1988, this Court quashed the declaration issued under Section 6 of the Act alone, based on the common judgment in W.P.No.10351 of 1982 etc. batch, dated 08.01.1988. Aggrieved by the same, some of the land owners also filed S.L.P.Nos.11353 to 11355 of 1988 before the Hon'ble Supreme Court of India and by an order dated 21.08.1990, the Hon'ble Supreme Court of India allowed the same and quashed the entire land acquisition proceedings. However, the Hon'ble Supreme Court of India given liberty to the State Government to exercise its power of eminent domain and make a fresh preliminary notification, if the State Government desires to do so. However, in respect of the subject properties are concerned, no writ petition was filed. Subsequently, Mr.N.K.Babu Reddiar died leaving behind the petitioners as his legal heirs.

4. Thereafter, the 4th respondent claimed to have taken possession of the lands in Survey Nos. 40, 42, 43 etc., including the subject lands on 31.07.1985 for formation of 'A' Road of Koyambedu Wholesale Market Complex (KWMC) and other related activities. Therefore, the petitioners wrote a letter to the 4th respondent for issuance of "No Objection Certificate" to deal with the subject properties. While pending the said request, the 4th respondent attempted to interfere with the petitioners' peaceful possession and enjoyment of the same and as such, the petitioners filed writ petition before this Court in W.P.No.49809 of 2006. In the said writ petition, interim order was granted.

5. Again, the petitioners filed a writ petition in W.P.No.10010 of 2014 for a direction directing the 3rd and 4th respondents herein to issue 'No Objection Certificate' to enable the petitioners to deal with the subject properties. The said writ petition was filed invoking the benefits conferred under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. By an order dated 27.06.2014 the said writ petition was allowed



by this Court. Aggrieved by the same, the 2nd respondent herein filed writ appeal in W.A.No.1538 of 2014 and the same was also dismissed by this Court by an judgment dated 23.04.2015. Aggrieved by the same, the 2nd respondent herein filed appeal before the Hon'ble Supreme Court of India in S.L.P.(C)No.23106 of 2015 and by an order dated 18.09.2015 the same was dismissed. While being so, the 4th respondent by the impugned communication in Lr.No.100/2018/Land/MMC dated .07.2018, requested the 5th respondent herein to take action to cancel the Sale Deeds and any transactions entertained by the 6th respondent in respect of the subject properties.

6. The learned Senior Counsel appearing for the petitioners submitted that when this Court already directed the 3rd and 4th respondents to issue 'No Objection Certificate' to enable the petitioners to deal with the subject properties and the same was confirmed by the Hon'ble Supreme Court of India, but the 4th respondent mechanically without considering the order passed by this Court and the Hon'ble Supreme Court of India, passed the impugned order against the petitioners.

7. On perusal of the order dated 27.06.2014 in W.P.No.10010 of 2014, revealed that this Court directed the 2nd respondent herein to issue 'No Objection Certificate' to the petitioners to deal with the subject properties comprised in S.No.91 admeasuring to an extent of 1.53 acres and in S.No.90/2 admeasuring to an extent of 0.79 cents, excluding 0.36 cents, which is subject matter of fresh land acquisition proposal situated at Nerkundram Village, Purasaivakkam Taluk, Chennai District.

8. The Hon'ble Division Bench of this Court while dismissing the writ appeal in W.A.No.1538 of 2014 dated 23.04.2015, confirmed the order of the learned Single Judge of this Court in W.P.No.10010 of 2014, dated 27.06.2014 and permitted the petitioners to get 'No Objection Certificate' for an extent of 1.53 acres in S.No.91 and for an extent of 0.79 cents in S.No.90/2 excluding 0.36 cents. Further directed the 2nd respondent herein to comply the direction issued in W.P.No.10010 of 2014, dated 27.06.2014, within a period of four weeks from the date of receipt of a copy of the judgment. Therefore, the 4th respondent mechanically passed the impugned order, without considering the aforesaid specific directions issued by this Court.

9. In view of the above, the impugned order in Lr.No.100/2018/Land/MMC dated .07.2018 is hereby set aside and accordingly set aside. This writ petition is allowed. The 4th respondent is directed to comply the direction issued by the Hon'ble Division Bench of this Court in W.A.No.1538 of 2014,



dated 23.04.2015, forthwith. Consequently, the connected miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary,
Housing and Urban Development Department,
Secretariat, Fort Saint George,
Chennai - 600 009.
 - 2.The Principal Secretary and Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maligai,
No.2, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.
 - 3.The Chairman,
Tamil Nadu Housing Board (TNHB),
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 - 4.The District Revenue Officer-cum-Chief Administrative Officer,
Market Management Committee,
Chennai Metropolitan Development Authority (CMDA),
Omni Bus Stand, Koyembedu,
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 - 5.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai - 600 004.
 - 6.The Sub Registrar,
No.124, Arcot Road,
Virugambakkam,
Chennai - 600 092.
- +1cc to Mrs.T.Vedi, Advocate SR.No.65571
+1cc to Mr.P.Veenasuresh, Advocate SR.No.64968
+1cc to the Government Pleader SR.No.65829

W.P.No.5977 of 2019

KG (CO)
RVM(21/12/2021)