



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. NO.8324 OF 2021

1.Yamunarani

2.K.C.Loghanathan

.. Petitioners

Vs

1. The Commissioner

Coimbatore City Municipal Corporation
Coimbatore 01

2. The Assistant Town Planning Officer,
City Municipal Corporation West zone,
Coimbatore 02

3. The Special Tahsildar (L.A.)
The Tamil Nadu Housing Board,
TATABAD, Coimbatore 12

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

5. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board, TATABAD,
Coimbatore

..Respondents

(R4 & R5 have been impleaded as respondents
vide order dated 19.07.2021 in WMP No.15491/2021)

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 & 2 herein to grant plan approval and building license (application No.BA.0002/21/W1 dated 05.01.2021 on the petitioners name for plot No.96, in TMS Rasayoga Nagar [LP/R(CN) No.109/1981] situated in Survey No.54, at Veerakeralam Village, Perur Taluk, Coimbatore without insisting no objection certificate from the 3rd respondent/Tamil Nadu Housing Board pertaining to the petitioners property.



WEB COPY

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.K.Magesh for R1 & R2
Standing counsel
Mr.A.Selvendran for R3
Government Advocate
Ms.R.Gowri for R4

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus directing the first and second respondents to grant plan approval and building license to the petitioners without insisting for a No Objection Certificate from the Tamil Nadu Housing Board.

2. When the matter was taken up for hearing on 09.09.2021, this Court passed the following order:

"This writ petition has been filed for a direction to the 1st and 2nd respondents to grant planning approval and building license to the petitioner without insisting for No Objection Certificate from the Tamil Nadu Housing Board, who is the 3rd respondent in this writ petition.

2.The main ground that has been raised by the learned counsel for the petitioner is that the acquisition proceedings itself came to be quashed by this Court and subsequently the appeal filed by the Government was also dismissed in W.A.Nos.279 to 284 of 1996 through order dated 25.04.2001. The learned counsel for the petitioner further submitted that the subject matter of the present writ petition is Plot No.96 and for the adjacent plot in Plot No.110, the approval was granted without insisting for No Objection Certificate from the Housing Board. Therefore, the learned counsel submitted that there was no justification on the part of the 1st and 2nd respondents who have insisted for a No objection Certificate.

3.The learned Standing Counsel appearing on behalf of the 1st and 2nd respondents submitted the Housing Board had sent a communication by giving the particulars of various survey numbers and had requested the 1st and 2nd respondents not to grant any planning approval for these survey numbers, since, they are subject matter of land



WEB COPY

acquisition proceedings. Therefore, since the survey numbers for which the planning approval was sought for by the petitioner fell within the communication given by the Housing Board, the Corporation was insisting for the production of No Objection Certificate.

4. The learned Standing Counsel appearing on behalf of the Housing Board submitted that she needs to take instructions from the 3rd respondent in order to ascertain whether the owner from whom the petitioners are tracing their title had actually challenged the acquisition proceedings. That apart, the learned counsel also wants to take instructions as to whether the subject property also falls within the scope of the writ petition wherein, the acquisition proceedings were quashed with respect to certain properties. Therefore, the learned counsel sought for some time.

5. Post this case under the caption 'For Orders' on 23.09.2021."

3. When the matter was taken up for hearing today, the learned standing counsel appearing on behalf of the respondents 4 and 5, based on instructions, submitted that the subject property was very much a part of the proceedings in both the writ petitions and writ appeal. However, the learned standing counsel made a feeble attempt by submitting that the housing Board was not a party in all those proceedings.

4. In the considered view of this Court, the acquisition proceedings itself came to be quashed and it was also confirmed in the writ appeal. Therefore, it does not really matter if the housing board was a party to those proceedings.

5. In view of the above, this Court is inclined to grant the relief as sought for by the petitioners. Accordingly, there shall be a direction to the first and second respondents to scrutinize the application submitted by the petitioners for planning approval and building license and deal with the same without insisting for a no objection certificate from the Tamil Nadu Housing Board and take an appropriate decision, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order.



6. This writ petition is allowed with the above direction.
No costs.

Sd/-
Assistant Registrar(CS VII)

WEB COPY

//True Copy//

Sub Assistant Registrar

Office to Note: Order copy on 27.09.2021
RR

To

1. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 01
2. The Assistant Town Planning Officer,
City Municipal Corporation West zone,
Coimbatore 02
3. The Special Tahsildar (L.A.)
The Tamil Nadu Housing Board,
TATABAD, Coimbatore 12
4. The Managing Director
The Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai 600 035
5. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board, TATABAD,
Coimbatore

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.49543
+1cc to Mr.K.Magesh, Advocate, S.R.No.49210

W.P.No.8324 of 2021

SJ(CO)
PM/27/09/2021