



WEB COPY

Cont. Petn. No.382 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Contempt Petition No.382 of 2017

1.S.Durai Raj

2.V.Nandisamy

3.A.Srinivasan

.. Petitioners

All are residing at

No.36/A2, Briyani Nagar,

4th West Street, Thoothukudi

Vs.

Kiran Kuralan

The Managing Director

Tamil Nadu Housing Board

493, Anna Salai, Nandanam

Chennai - 600 035

.. Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order passed by this Hon'ble Court dated 10.11.2016 in W.P. No.27413 of 2016.

* * *

For Petitioner : Mr.Manicka Siva Subramanian
for M/s.V.Raghavachari

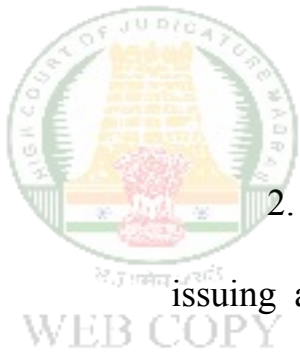
For Respondents : Mr.R.Bharathkumar

ORDER

This contempt petition is filed alleging the wilful disobedience of the order

of this Court dated 10.11.2016 made in W.P. No.27413 of 2016.

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2. The petitioner along with two others filed W.P. No.21413 of 2016 for issuing a writ of mandamus, to direct the respondents therein to issue a No Objection Certificate to the petitioners in respect of certain lands situated at S. No.137/1A1 in Sankaraperi Village, Tuticorin District.

3. The petitioner along with two other land owners challenging the acquisition proceedings, filed independent writ petitions in W.P. Nos.10716, 10717 and 10718 of 1998 to quash the notification issued by the Government under Section 4(1) and 6 of the Act. This court, vide order dated 25.07.1997, quashed the notification in respect of the total extent of 41.14 Acres which includes the petitioners land in S.No.137/A1. Challenging the said order, the respondents therein filed Writ Appeals in W.A. Nos.1094, 1095 and 1096/2016 and this court, by a judgment dated 08.08.2008, set aside the order passed in the writ petitions and remitted the matters for fresh consideration.

4. When the writ petitions were pending, the petitioner submitted a representation to the effect that the proceedings initiated under the Land Acquisition Act, lapsed in view of Section 24(2) of the said Act, as physical possession of the land was not taken and the first respondent therein, namely the Tamil Nadu Housing Board, was duty bound to issue No Objection Certificate. Hence the petitioner herein along with two others have filed W.P. No.27413 of 2016. Considering the contentions of either side, this court, by an order dated



10.11.2016, directed the first respondent to dispose of the representation of the petitioners on merits and in accordance with law.

5. The learned standing counsel appearing for the Tamil Nadu Housing Board, stated that the representation of the petitioners was considered and their request for No Objection Certificate was turned down on the ground that the matter challenging the acquisition proceedings is still pending. This court is of the view that the direction by this court in the writ petition was only to consider the representation. Even the order passed on 02.06.2017 by the first respondent is an order on merits, even though no factual details were discussed. However, the grant of No Objection Certificate was turned down for the reason stated in the order. Since the direction of this court is duly complied with, this court has no hesitation, to close this contempt petition.

Accordingly, this contempt petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

asr

//Certified to be true copy//

Dated at Madras this the day of 2021.

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GS/18/06/2021