



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25411 of 2017
and
W.M.P.No.26853 of 2017

K.Paranthaman

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its
Commissioner & Secretary,
Housing and Urban Development,
St.George Fort,
Chennai - 600 009.
2. The Tamil Nadu Housing Board,
by its Chairman and Managing Director,
Nandanam,
Chennai - 600 035.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar,
Chennai.
4. The Special Thasildhar,
Land Acquisition,
Unit-4, Tamil Nadu Housing Schemes,
Anna Salai, Nandhanam,
Chennai - 600 035.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to issue NOC in respect of the petitioner's land comprised in S.No.1020/1D (Part) of No.61, Korattur Village, Ambathur Taluk, originally Chengalpattu District and presently Chennai District measuring an extent of 22 cents as the same is not covered under the Acquisition Proceedings.



For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader (for R1 & R4)
Mr.M.Baskar
Standing Counsel (for R2 & R3)

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ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 3rd respondent to issue No Objection Certificate in respect of the petitioner's land comprised in S.No.1020/1D (Part) of No.61, Korattur Village, Ambathur Taluk, originally Chengalpattu District and presently Chennai District, measuring an extent of 22 cents, as the same is not covered under the Acquisition Proceedings.

2. The case of the petitioner is that the petitioner's land is not coming under the acquisition proceedings. Originally, the land comprised in S.No.1020/1 (Part), ad-measuring 36 cents, was purchased by his mother by the registered sale deed dated 22.07.1958, vide Document No.1943 of 1958. At this juncture, the Government in the year 1969, for the purpose of housing, acquired the land comprised in S.No.1020/1 (part) to an extent of 1 Acre 36 cents. However, the Government passed various orders for acquiring the said land and finally took possession of only 1 Acre and 14 acres out of 1 Acre 36 cents. The award was also passed only for the said 1 Acre and 14 cents and remaining an extent of 22 cents was in possession and enjoyment of his parents. After her demise, the petitioner and other legal heirs were also issued with patta in respect of the remaining land. However, the petitioner could not deal with the property without "No Objection Certificate" issued by the third respondent.

3. The second and third respondents filed counter affidavit, from which, it reveals that the Tamil Nadu Housing Board has initiated Acquisition Proceedings for implementing Korattur Neighbourhood Scheme to cater to the housing needs of common public. The draft notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act', for short) in respect of the property ad-measuring an extent of 234.27 acres in Korattur Village, was approved by the Government in G.O.Rt.No.1957, I.L and C, dated 22.10.1963. Accordingly, the entire extent of the said land has been split up into 10 blocks for the sake of convenience. The subject land comprised in



S.Nos.1020/1 etc. dealing with acquisition of lands measuring 20.64 acres, is covered in Block -II. The land comprised in S.F.No.1021/1 ad-measuring an extent of 1.36 acres, were acquired and award was passed on 10.06.1969 and the compensation amount has also been deposited in the Sub Court as contemplated under Sections 30 and 31 (2) of the Act. Therefore, there is no remaining land and the entire extent of land to an extent of 1.36 acres, were acquired. However, the representation submitted by the petitioner is pending on the file of the second and third respondents herein.

4. On a perusal of the records, it reveals that the petitioner made a representation in the year 2015. Therefore, the petitioner is directed to submit a fresh representation and the second respondent is sdirected to consider the same and pass orders, after giving opportunity of hearing to the petitioner in the light of the above observation, within a period of twelve weeks from the date of receipt of representation from the petitioner.

5. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner & Secretary,
The State of Tamil Nadu,
Housing and Urban Development,
St.George Fort,
Chennai - 600 009.
2. The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar, Chennai.



4. The Special Thasildhar,
Land Acquisition,
Unit-4, Tamil Nadu Housing Schemes,
Anna Salai, Nandhanam,
Chennai - 600 035.

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+1cc to Mr.S.Senthilnathan, Advocate SR.No.61718
+1cc to the Government Pleader SR.No.62224

W.P.No.25411 of 2017

PM(CO)
GN(14/12/2021)