



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.07.2021**

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11891 of 2021

Radheen

... Petitioner

Vs.

- 1.The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
- 2.The District Collector,
District Collecorate Office,
Kanyakumari District, Nagercoil.
- 3.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
- 4.The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
Nagercoil,
Kanyakumari District.
- 5.The Executive Engineer,
Tamil Nadu Housing Board,
Sivanthipatti Road,
Tirunelveli - 11.
- 6.The District Registrar,
Department of Registration,
Kanyakumari District,
Nagercoil.
- 7.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Tirunelveli Housing Unit,
17-D, 'C', Colony, Perumalpuram,
Tirunelveli - 627 007.



8.The District Revenue Officer (Scheme),
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Salai, Koyambedu,
Chennai - 600 107.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus to call for the records of the impugned Letter No.LA/3040/1995, dated 28.04.2021 passed by the 7th Respondent and quash the same as illegal and consequently direct the Respondents No. 5 and 7 to issue No Objection Certificate to the Petitioner regarding the Petitioner's property in Old Survey No. 1935 New Survey No.3/4-5 situated at Nagercoil Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.George Paul Anto

For R-1 to R-4
& R-6 : Mr.M.Lingadurai,
Government Advocate

For R-5, R-7
& R-8 : Mr.Mohammed Athiff

ORDER

This Writ Petition has been filed challenging the impugned letter issued by the seventh respondent, dated 28.04.2021 and for a consequential direction to the respondents to issue "No Objection" Certificate to the petitioner to deal with the subject property.



2. Heard Mr.George Paul Anto, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1, 2, 3, 4 and 6 and Mr.Mohammed Athiff, learned counsel appearing for the respondents 5, 7 and 8.

3. It is seen from records that the acquisition proceedings were initiated by the first respondent in the year 1991. The petitioner has purchased the property only in the year 2009. It is also an admitted case that the vendor of the petitioner has not questioned the acquisition proceedings. The present Writ Petition has been filed only based on the fact that some of the land owners had questioned the acquisition proceedings and Section 6 (1) declaration was quashed and liberty was granted to the respondents to proceed further and thereafter, no steps were taken and as a result of the same, the acquisition proceedings itself had lapsed.

4. In the considered view of this Court, the sale deed that was executed in favour of the petitioner by the original vendor after 4 (1) notification was issued, is itself null and void and non-est in the eye of law. This issue has been settled beyond doubts by the Hon'ble Supreme Court in the case



reported in **2020 4 L.W. 509**. This Judgment has been subsequently followed by this Court in the case of

V.Anantharaman Vs. Chennai Metropolitan Development Authority

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reported in **2020 2 CWC 537**.

5. In view of the above, this Court does not find any ground to interfere with the impugned letter issued by the seventh respondent and the said letter is perfectly in accordance with law.

6. In the result, the Writ Petition stands dismissed.
No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Secretary,
Housing and Urban Development Department,
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Fort St. George
Chennai - 9.

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District Collectorate Office,
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4.The Special Tahsildar,
(Land Acquisition),
Neighbourhood Scheme,
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Kanyakumari District.

5.The District Registrar,
Department of Registration,
Kanyakumari District,
Nagercoil.

+1 CC to M/s.SPL GP (SR-23206[F] dated 19/07/2021)

W.P. (MD) .No.11891 of 2021

Dated :

16.07.2021

MGJ(26.07.2021) 5P 7C