



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.13244 of 2021

Kanagaraaj

... Petitioner

Vs.

1.The Competent Authority,
Special District Revenue Officer (Acquisitions - NH),
Door No.567, APJ Abdul Kalam Street,
Chennavarayanpatti,
Dindigul - 624 004.

2.The Sub-Registrar,
Pollachi, Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the 1st respondent to issue NOC for registration of documents on conveyance in relation to the petitioner's lands in Survey No.17/4, Puliampatti Village within the time stipulated by this Court without insisting the petitioner to withdraw the writ petition filed by him in W.P.(MD)No.3814 of 2021 within the time that may be stipulated by this Court.

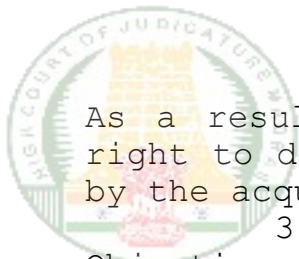
For Petitioner : Mr.Mahaboob Athiff.M
For M/s.Ajmal Associates.

For Respondents : Mr.R.Baskararn,
Counsel for State.

ORDER

The petitioner seeks issuance of a No Objection Certificate in respect of the proposed registration of documents of conveyance in relation to the petitioner's lands in Survey No.17/4, Puliampatti Village.

2. The petitioner states that the Government of India issued a Notification under Section 3A of the National Highways Act, 1956, expressing its intention to acquire lands for the development of NH-209. According to the petitioner, in terms of the Section 3D Notification which was issued on 18.06.2018, only 64.4 cents from and out of the total holding of the petitioner was being acquired.



As a result, according to the petitioner, the petitioner has the right to deal with an extent of about 70 cents which is not covered by the acquisition notification.

3. Although the petitioner is of the view that a No Objection Certificate is not necessary in the circumstances, it is stated that, by way of abundant caution, the petitioner applied for a No Objection Certificate from the first respondent. However, the first respondent refused to grant the No Objection Certificate by citing the pendency of a writ petition filed by the petitioner.

4. Learned counsel for the petitioner states that no statutory authority can insist that a party should withdraw a litigation as a precondition for the grant of No Objection Certificate.

5. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. His first contention is that the acquiring authority has not identified the exact portion and boundaries of the land in Survey No.17/4 which are being acquired. In other words, his contention is that although the total extent of lands to be acquired in Survey No.17/4 has been indicated, the precise portion and boundaries have not been earmarked. His second contention is that the acquisition proceedings have been stayed by an order of Court, and therefore, the authorities have been unable to take further action in connection to such acquisition.

6. In the aforesaid facts and circumstances, this Court is not inclined to grant a positive direction to the first respondent for issuance of a No Objection Certificate. Nonetheless, the alleged insistence on the withdrawal of W.P.(MD).No.3814 of 2021 as a precondition for consideration of the application for No Objection Certificate cannot be countenanced.

7. Accordingly, the first respondent is directed to consider the petitioner's application dated 25.06.2021 seeking a No Objection Certificate for registration of documents of conveyance in respect of the petitioner's land in Survey No.17/4, Puliamapatti Village and dispose of such application by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. Prior to passing such order, a reasonable opportunity of hearing should be provided to the petitioner herein. W.P.(MD).No.13244 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

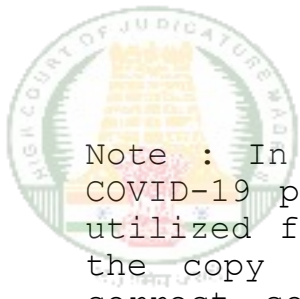
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/ /2021

Sub Assistant Registrar(CS)

tsg

<https://hcservices.ecourts.gov.in/hcservices/>



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 Competent Authority,
Special District Revenue Officer (Acquisitions - NH),
Door No.567, APJ Abdul Kalam Street,
Chennavarayakanpatti,
Dindigul - 624 004.

2.The Sub-Registrar,
Pollachi, Coimbatore District.

+1 CC to M/s.GP (SR-25182[F] dated 04/08/2021)

W.P (MD) No.13244 of 2021
03.08.2021

MGJ(11.08.2021) 3P 4C