



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1995 of 2022

Inder Thakurdas Jaisinghani
C/o Balasubramanian,
No.6, Sri Nagar, Chitra Road,
Kalapatti,
Coimbatore - 641 048.

...Petitioner

Vs.

1. The State of Tamil Nadu,
represented by the Principal Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600 035.

3. The Special Tahsildar,
Land Acquisition Housing Scheme Unit II,
Coimbatore - 641 012.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to issue No Objection Certificate in favour of the petitioner to deal with his land of an extent of 3.00 acres comprised in S.F.No.820/2B and S.F.No.824/3 in Kalappatti village, Coimbatore Taluk and District, based on his representation dated 13.12.2021 within a reasonable time, as may be fixed by this Hon'ble Court.

For Petitioner : Mr.A.E.Ravi Chandran

For Respondents : Mrs.D.Tamilselvi
Additional Government Pleader
[For R1 and R3]

Mr.R.Bharathkumar
[For Tamil Nadu Housing Board
(TNHB)] [For R2]



O R D E R

The petitioner has filed this petition seeking issuance of writ of Mandamus, directing the 2nd respondent to issue No Objection Certificate in favour of the petitioner to deal with his land of an extent of 3.00 acres comprised in S.F.No.820/2B and S.F.No.824/3 in Kalappatti village, Coimbatore Taluk and District, based on his representation dated 13.12.2021 within a reasonable time, as may be fixed by this Hon'ble Court.

2. The case of the petitioner is that he had purchased the land of an extent of 3.00 acres in S.F.Nos.820/2B and 824/3 of Kalappatti village, Coimbatore Taluk and District. Earlier the 1st respondent initiated acquisition proceedings for the formation of Neighborhood Scheme in Kalappatti Village and a large extent of lands including the land in the above survey numbers were acquired. Thereafter, the said acquisition proceedings were quashed by this Court in W.P.No.9808 of 2006. However, the 2nd respondent has not issued No Objection Certificate in favour of the petitioner. It is the claim of the petitioner that in the absence of such a certificate, the petitioner will not be in a position to get patta. Hence, the petitioner sent a representation to the respondents on 13.12.2021. In spite of receipt and acknowledgment, no steps have been taken to issue NO Objection Certificate. Hence the petitioner is before this Court.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 13.12.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Government Advocate has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 13.12.2021 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



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To

1. The Principal Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Special Tahsildar,
Land Acquisition Housing Scheme Unit II,
Coimbatore - 641 012.

+lcc to Mr.A.E.Ravi Chandran, Advocate SR. No.7952
+lcc to Government Pleader SR. No.8361

W.P.No.1995 of 2022

SR (CO)
PR (09/03/2022)