



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8748 OF 2022

AND

W.M.P.NO.8657 OF 2022

Vinotha

... Petitioner

Vs.

1. The Sub-Registrar,
Gandhipuram, Coimbatore.
2. The Tamil Nadu Housing Board,
Represented by its Executive Engineer
Cum Administrative Officer,
Coimbatore Housing Board Division,
Tatabath, Coimbatore - 641012.
3. The Tamil Nadu Housing Board,
Represented by its
Chairman and Managing Director,
No.331, Anna Salai, Nandam, Chennai-35.

... Respondents

PRAYER IN ALL WPs: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in Letter No Ni.A./4/6851/2008 dated 10.09.2020 on the file of the 2nd Respondent and in RFL/Gandipuram/15/2022 dated 28.03.2022 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent to register the document within the time fixed by this Hon'ble Court.

For petitioners : Mr.B.Manoharan

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader
for R1

: Mr.M.Baskar for R2 & R3.



ORDER

The present petition has been filed seeking the relief of quashment of the impugned orders of Respondents 1 & 2 and a direction to the 1st respondent to register the document within the time stipulated by this Court.

2. It is the case of the petitioner that the petitioner had approached the 1st respondent herein for execution of a registered settlement deed in favour of her husband, however, the 1st respondent had refused to register the same vide the impugned order dated on that ground that the petitioner has to obtain "No Objection Certificate" from the 2nd respondent as per the letter of the 2nd respondent dated 10.09.2020. It is the case of the petitioner, the Government had proposed to acquire the lands including the petitioner's land and challenging the said acquisition proceedings, a batch of Writ Petitions in W.P.Nos.1607 of 2009 were filed by the petitioner and other land owners and the same were allowed by this Court vide order dated 30.08.2010, against which, Writ Appeals were filed in W.A.Nos.252 to 255 of 2011, which were dismissed vide order dated 16.08.2011. Challenging the aforesaid order, SLP was filed before the Hon'ble Apex Court, however, which was also dismissed. Though the petitioner has submitted the document along with the copy of this order in W.P.Nos.1607 of 2009 and presented the same before the 1st respondent, however, the same was refused vide the impugned order dated 28.03.2022, which had prompted the petitioner to file the present Writ Petition seeking the relief of quashment of the same.

3. Learned Counsel for the petitioner submits that though the petitioner has obtained No Objection Certificate subsequent to the impugned order of the 1st respondent and placed the same before the authority concerned for registration of the documents, however, the same was not entertained which is not sustainable. Hence, this Court may set aside the impugned order of the 1st respondent and direct the 1st respondent to register the document within the time frame stipulated by this Court.

4. Learned Special Government Pleader appearing for the 1st respondent submits that the petitioner has submitted the No Objection Certificate. Therefore, the order impugned in this Writ Petition may be set aside and a direction may be given for registration of documents.

5. Heard the learned counsel on the either side and perused the materials available on record.



6. It is not in dispute that the land acquisition proceedings have culminated in favourable orders for the petitioner upto the Hon'ble Supreme Court. The petitioner has presented the document for registration along with the order passed by this Court. However, the 1st respondent has directed the petitioner to submit the No Objection Certificate from the 2nd respondent. This Court is at a loss to understand as to how the 2nd respondent could pass such an order when there is an order quashing the acquisition proceedings. Therefore, the act of the 1st respondent in trying to enforce the communication of the 2nd respondent dated 10.09.2020 is wholly irregular, impermissible and perverse and the same cannot be legally sustained. The 1st respondent ought to have entertained the document without insisting upon the production of No Objection Certificate from the 2nd respondent.

7. Further, it is borne out by record that the 3rd respondent has issued No Objection Certificate to the petitioner. In such a background, this Court is of the considered opinion that the impugned order passed by the 1st respondent deserves to be dismissed.

8. For the reasons aforesaid, this Writ Petition is allowed and the impugned order passed by the 1st respondent is set aside. The petitioner is directed to submit the document for registration along with a copy of the order passed by this Court and also the No Objection Certificate issued by the 3rd respondent and on receipt of the said document, the 1st respondent is directed to receive the same and register the document and hand over the same to the petitioner within a period of six weeks from the date of submission of the said document, if it is otherwise in order and upon remittance of requisite stamp duty and registration charges. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Sub-Registrar,
Gandhipuram, Coimbatore.



WEB COPY

2. The Executive Engineer
Cum Administrative Officer,
The Tamil Nadu Housing Board,
Coimbatore Housing Board Division,
Tatabath, Coimbatore, 641012.

3. The Chairman and Managing Director,
The Tamil Nadu Housing Board,
No.331, Anna Salai, Nandam, Chennai-35.

+2ccs to Mr.B.Manoharan, Advocate, S.R.No.27567

+1cc to the Government Pleader, S.R.No.28611

W.P.No.8748 of 2022

NRL (CO)
RLP (28/04/2022)