



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12132 of 2020
and
W.M.P.No.6552 of 2021

K. Prabakar Kuppusamy

Vs

...Petitioner

1. The Special Tahsildar,
Land Acquisition,
Housing Scheme No.II,
Collectorate, Coimbatore.

2. The Tahsildar,
Coimbatore North,
Coimbatore-641 018.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing 2nd respondent to issue No Objection Certificate (NOC) for selling the land in Old Survey No.368 and S.F.No.369, New Survey No.368/2 with an extent of 48 Cents and 100 Sq.ft, (21,009 Sq.ft) at Kalapatti Village, Coimbatore North Taluk, Coimbatore District in view of the petitioner's representation dated 19.02.2020 within the limited time frame.

For petitioner : A.M. Esakkiappan

For respondents : Mr. P. Gurunathan,
Additional Government Pleader

ORDER

The present petition has been filed seeking a direction to the 2nd respondent to issue No Objection Certificate (NOC) for selling the land pursuant to the petitioner's representation dated 19.02.2020 within the particular time frame.

2.The case of the petitioner is that the petitioner had purchased the land in Old Survey No.368, New Survey No.368/2, Kalapatti Village, Coimbatore District from one S. Padmavathy by way of registered sale deed dated 15.02.2013 and patta was granted in favour of the petitioner in respect of the said land,



in the year 2018. Thereafter the petitioner had approached the purchaser to sell the subject land, however, but the purchaser is demanding the No Objection Certificate, as the said land was originally acquired by the 1st respondent. Therefore, the petitioner made a representation dated 19.02.2020 to the 2nd respondent for issuance of No Objection Certificate. However, till date, the same has not been considered. Hence, the present Writ Petition is filed seeking the above relief.

3. Learned counsel for the petitioner submits that a similar issue was raised by persons similarly placed by filing W.P.No.16417 of 1998 etc., batch, which were allowed by the learned single Judge of this Court vide order dated 30.08.2020, against which Appeals in W.A.Nos.252 to 255 of 2011 were filed before the Division Bench of this Court and the same were dismissed vide order dated 16.08.2011. Aggrieved by the same, SLP (Civil) No.13607-13610 of 2012 were filed before the Hon'ble Apex Court, which were also dismissed by the Apex Court confirming the judgement passed by this Court in W.P.No.16417 of 1998 etc batch. Therefore, the learned counsel for the petitioner submits that the similar order, as was passed in W.P.No.16417 of 1998, etc., batch, may be passed in the present petition as well.

4. On the above contentions, heard the learned counsel for respondents, who fairly conceded with the submissions advanced on behalf of the petitioner and also perused the materials available on record.

5. In view of the fact that the learned Addl. Government Pleader has fairly conceded the fact that similar issue was considered in W.P.No.16417 of 1998, etc., batch and finally confirmed by the Hon'ble Apex Court, this Court is inclined to allow this Writ Petition, in view of the order passed by this Court in W.P.No.16417 of 1998 etc batch. Hence, the respondents herein are directed to issue the No Objection Certificate to the petitioner as prayed for.

6. Accordingly, this Writ Petition is allowed in terms of the order passed in W.P.No.16417 of 1998, etc., batch and the respondents herein are directed to issue the No Objection Certificate to the petitioner as prayed for. No costs. W.M.P.No.6552 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The Special Tahsildar,
Land Acquisition,
Housing Scheme No.II,
Collectorate, Coimbatore.

2. The Tahsildar,
Coimbatore North,
Coimbatore-641 018.

+2cc to Mr.A.M.Esakkiappan, Advocate, S.R.No.1511

+1cc to the Government Pleader, S.R.No.2002

W.P.NO.12132 of 2020

GPL(CO)
RGA(15/02/2022)