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W.P. No. 28502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 28502 of 2022

Chandra

... Petitioner

Versus

1. The Executive Engineer and Administrative Officer
Tamil Nadu Housing Board
Salem Housing Unit
Salem-636 008.
2. The District Registrar
District Registrar Office
Collector Office Complex
Salem.
3. The Joint-1 Sub Registrar
Salem (West)
District Registrar Office
Collector Office Complex
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 not to insist No Objection Certificate from the first respondent as a condition precedent for entertaining the sale deed that may be presented by



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the petitioner in respect of the land bearing Plot Nos. 6 and 8 comprised in Survey No.94/4, Ward No.F, Block No.12, present Town Survey No. 13/11 bearing Patta No. 447 measuring a total extent of 1812 sqft., situated in Mitta Ayyamperumampatti Village, Salem Taluk, Salem District.

For Petitioner : Mr.M. Elumalai
For RR 1 : Mr.D. Murugan
Standing Counsel for TNHB
For RR 2 & 3 : Mr.E. Vijay Anand

ORDER

This writ petition has been filed seeking for a direction to the respondents 2 and 3 not to insist No Objection Certificate from the first respondent as a condition precedent for entertaining the sale deed that may be presented by the petitioner in respect of the land bearing Plot Nos. 6 and 8 comprised in Survey No.94/4, Ward No.F, Block No.12, present Town Survey No. 13/11 bearing Patta No. 447 measuring a total extent of 1812 sqft., situated in Mitta Ayyamperumampatti Village, Salem Taluk, Salem District.

2. The case of the petitioner is that the petitioner is the owner of the



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subject lands and the first respondent proposed to acquire the subject lands for formation of Neighbourhood Scheme and issued Notification under Section 4(1) of the Old Act vide G.O.Ms.No.755, Housing and Urban Development Department, dated 04.09.1991 and issued Declaration under Section 6 of the Old Act vide G.O.Ms.No.608, Housing and Urban Development Department, dated 03.08.1984.

3.The further case of the petitioner is that the predecessors in title challenged the acquisition proceedings by filing W.P.No.9566 of 1986 before this Court and this Court vide order dated 28.02.2018 allowed the said writ petition and quashed the acquisition proceedings. In the meanwhile, the petitioner acquired the subject property by way of partition cum release deed and sale deed respectively. Thereafter, the petitioner intended to register her documents, however, the same was refused on the ground that the first respondent has sent communication to the second respondent requesting to not to W.P.Nos.12644 and 12648 of 2022 entertain any document in respect of the subject property. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that the



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first respondent has no jurisdiction or power to direct the second respondent to not to entertain any document and the same is contrary to the Registration Act as well as the Stamp Act. The second respondent is bound to follow the procedures contemplated under the Registration Act as well as the Stamp Act. Further, the acquisition proceedings itself was quashed by this Court. Accordingly, he prayed for allowing the writ petition.

5.The learned Additional Government Pleader did not dispute the fact that the acquisition proceedings have already been quashed by this Court vide order dated 28.02.2018 made in W.P.No.9566 of 1986.

6.On a perusal of the impugned order reveals that a general direction has been issued by the first respondent to the second respondent not to entertain any document in respect of Survey No.94/4, in Ayyamperumampatti Village, Salem District. The said impugned communication is liable to be quashed since the acquisition proceedings have been quashed by this Court.



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7. This writ petition is allowed. The impugned order is hereby set aside. No costs.

28.10.2022

Index : Yes / No
Speaking order : Yes / No
msm

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M.DHANDAPANI, J.

msm

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