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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.26719 OF 2017

M. Chinnathurai,
S/o.G.Mounagurusamy

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600 035.
2. The Tahsildar,
Coimbatore North,
Coimbatore-641 018.
3. The Executive Engineer cum
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Coimbatore-641 012.
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme Unit No.II,
Tamil Nadu Housing Board,
Coimbatore - 641 012.

... Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Managing Director, Tamil Nadu Housing Board, No.493, Anna Salai, Nandanam, Chennai-600 035, the first respondent herein to dispose of the representation dated 20.01.2017 submitted by the petitioner herein for seeking no objection certificate for the land comprised in S.No.968/6, and S.No.968/8 situated in Kalapatti Village, Coimbatore District on merits and in accordance with law and within such time as may be prescribed by this Hon'ble Court.



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For Petitioner : Mr.N.Damodaran
For Respondents : Dr.R.Gouri
Standing Counsel for R1 to R3

Ms.C.Meera Arumugam,
Addl. Government Pleader for R4

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondent Housing Board to dispose of the petitioner's representation dated 20.01.2017 seeking for no objection certificate in respect of the land comprised in Survey Nos. 968/6 and 968/8 situated at Kalapatti Village, Coimbatore District.

2. The grievance of the petitioner is that, earlier, the petitioner's lands in Survey Nos. 968/6 and 968/8, have been acquired by the respondents under the Kalapatti Neighbourhood Scheme. Subsequently, the original land owner challenging the acquisition proceedings had filed a Writ Petition in W.P.No.25766 of 2005 before this Court, and this Court by an order dated 16.02.2006, set aside the acquisition proceedings, against that order, no appeal has been preferred and that order become final. Thereafter, the petitioner purchased the property and applied for patta before the revenue authority and the revenue authority insisting him to get no objection certificate from 1st respondent Housing Board. Hence, the petitioner had approached the 1st respondent Housing Board and sought for no objection certificate, that application was not considered. Hence, the present Writ Petition has been filed by the petitioner seeking for no objection certificate.

3. Dr.R.Gouri, learned standing counsel appearing for respondents 1 to 3, on instructions, would submit that, this Court by an order dated 16.02.2006, set aside the acquisition proceedings and that order become final. However, the learned counsel would submit that, since the 1st respondent Housing Board is not the owner of the property, as on today, they could not issue no objection certificate.

4. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

5. The grievance of the petitioner is that, when the petitioner has applied for patta, as the lands are notified under the Land Acquisition Act, the revenue authority is insisting the petitioner to obtain such certificate from the 1st



respondent. Admittedly, the land acquisition proceedings is set aside. Therefore, the 1st respondent Housing Board is directed to issue a certificate stating that, the acquisition proceedings has been set aside and the 1st respondent Housing Board is not the owner of property. The above exercise shall be completed within a period of six weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai-600 035.
2. The Tahsildar,
Coimbatore North,
Coimbatore-641 018.
3. The Executive Engineer cum
Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Coimbatore-641 012.
4. The Special Tahsildar,
Land Acquisition,
Housing Scheme Unit No.II,
Tamil Nadu Housing Board,
Coimbatore - 641 012.

+1cc to Mr.N.Damodaran, Advocate, S.R.No.8251
+1cc to the Government Pleader, S.R.No.8043

W.P.No.26719 of 2017

SRA (CO)
PM/18/03/2022