



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.2841 of 2022

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P.Sundariammal

... Petitioner

vs.

1.The Chairman,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambeddu, Chennai - 600 107.

2.The Executive Engineer,
Tirunelveli Housing Unit,
17D "C" Colony, Perumalpuram,
Tirunelveli - 627 007.

3.The Joint Sub Registrar IT,
Thoothukudi, Thoothukudi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to issue No Objection Certificate to the petitioner and consequently, to direct the third respondent to register the document to be submitted by the petitioner in respect of property in Plot Nos.11, 12 and 13 in S.No.124/1B1A situated in Sankarareri Village, Thoothukudi Taluk, Thoothukudi District measuring 15 cents within the time frame fixed by this Court.

For Petitioner	: Mr.R.J.Karthick
For R1	: Mr.Mahaboob Athiff
For R2	: Mr.M.Lingadurai Special Government Pleader
For R3	: Mr.S.Shanmugavel Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to issue No Objection Certificate to the petitioner and consequently, to direct the third respondent to register the document to be submitted by the petitioner in respect of property in Plot Nos.11, 12 and 13 in S.No.124/1B1A situated in Sankaraeri Village, Thoothukudi Taluk, Thoothukudi District measuring 15 cents within a time frame to be fixed by this Court.



2.It is the case of the petitioner that the aforementioned property was the subject matter of land acquisition. But, subsequently, the same was quashed pursuant to the order passed by this Court. Hence, the petitioner has given representations, dated 12.04.2021 and 05.04.2021. Since, the representations have not been considered, she has filed this Writ Petition.

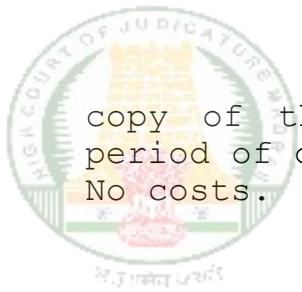
3.Heard Mr.R.J.Karthick, learned Counsel for the petitioner, Mr.Mahaboob Athiff, learned Standing Counsel, who takes notice on behalf of first respondent, Mr.M.Lingadurai, learned Special Government Pleader, learned Special Government Pleader, who takes notice on behalf of the second respondent and Mr.S.Shanmugavel, learned Additional Government Pleader, who takes notice on behalf of the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.On instructions, the learned Standing Counsel for the first respondent would submit that the land acquisition with regard to the petitioner's property has not been quashed. He would also submit that the petitioner's representations has already been rejected by following the decision laid down by the Honourable Supreme Court in the case of **Chairman, TNHB vs. S.Saraswathi**, reported in **2015 (8) SCC 723**. As per the said decision, he would submit that the petitioner will have to separately challenge the land acquisition and she cannot benefit out of the order passed by this Court in W.P.No.10119 of 1987, dated 25.02.1997, which was filed by other land owners and not by the petitioner. The copy of the order, dated 10.12.2022 passed by the first respondent has also been produced by the learned Standing Counsel for the first respondent. The same is recorded by this Court.

5.However, the learned Counsel for the petitioner submitted that till date, the petitioner has not received a copy of the said order, dated 10.12.2022 and he has also not been informed that such an order was passed.

6.This Court, after having perused the order, dated 10.02.2022, passed by the first respondent, is convinced that the representations, dated 12.04.2021 and 05.04.2021, given by the petitioner has already been considered and rejected by the first respondent. Therefore, if at all, the petitioner is aggrieved, he has to challenge the said order by filing a separate Writ Petition.

7.After recording the order, dated 10.12.2022, passed by the first respondent, this Writ Petition is disposed of. Since the petitioner claims that she has not received the copy of the order, dated 10.02.2022, the first respondent is directed to serve one more



copy of the order, dated 10.02.2022 on the petitioner within a period of one week from the date of receipt of a copy of this order.
No costs.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Chairman,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambeddu, Chennai - 600 107.
- 2.The Executive Engineer,
Tirunelveli Housing Unit,
17D "C"Colony, Perumalpuram,
Tirunelveli - 627 007.
- 3.The Joint Sub Registrar IT,
Thoothukudi, Thoothukudi District.

+1 CC to M/s.SPL GP (SR-5967[F] dated 14/02/2022)

Order made in
W.P.(MD)No.2841 of 2022
11.02.2022

svm(CO)

TR(23.02.2022) 3P 5C