



W.P.No.10536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10536 of 2023

C.S. Muthu Kumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E&C Market Road,
Koyambedu, Chennai – 600 107.

2.The Special Tahsildar,
(Land Acquisition),
Housing Scheme Unit No.II,
Coimbatore.

3.The Tahsildar,
Coimbatore North,
ATT Colony, Gopalapuram,
Coimbatore – 641 018.

4.The Executive Engineer
and Administrative Officer,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore – 600 012.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to issue 'No Objection Certificate' to the property comprised in S.F.No.964/1B having total extent of 1 Acre 42 cents situated in Kalapatti Village, Coimbatore North Taluk, within the jurisdiction of Gandhipuram Sub-Registrar Office, Coimbatore District in the light of the petitioner's representation dated 27.01.2023, within a time frame fixed by this Court.

For Petitioner : Mr.Meiyappan Mohan
For R1 & R4 : Mr.A.M. Ravindranath Jeyapal
For R2 & R3 : Mr.P. Sathish,
Additional Government Pleader

ORDER

With the consent of both the parties, the Writ Petition is taken up for final disposal.

2. The petitioner's land comprised in Survey No.94/1B at Kalapatti Village measuring 1 Acre 42 cents, was the subject matter of land acquisition proceedings under the Land Acquisition Act, 1894. However,



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by an order passed by this Court dated 07.04.2022 in W.P.No.30897 of 2014, the land acquisition proceedings were declared as lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner thereafter, has given a representation on 27.01.2023, seeking for 'No Objection Certificate' for his properties, as an acquisition of which, has been declared as lapsed by this Court. Since no action has been taken on his representation till date, the present Writ Petition has been filed.

3. The learned Additional Government Pleader appearing for the second and third respondents, as well as the learned standing counsel for the first and fourth respondents/Board, were called upon to verify as to whether an order passed by this Court has been challenged by them. On instructions, both the learned Additional Government Pleader and the learned standing counsel submitted that no appeal has been preferred against the order of the Writ Court.

4. In all these circumstances, the petitioner would be entitled for



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'No Objection Certificate'. Consequently, there shall be a direction to the first and fourth respondents, to pass appropriate orders on the petitioner's representation dated 27.01.2023, by granting 'No Objection Certificate' to the petitioner, stating that to the effect that the petitioner would be entitled to deal with his properties in Survey No.94/1B at Kalapatti Village measuring 1 Acre 42 cents, in any manner, as he wishes, within a period of one (1) week from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands allowed. No costs.

20.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To
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M.S.RAMESH,J.

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