



W.A. Nos.249 to 259 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 10.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A. Nos.249 to 259 of 2014
and MP.Nos.1, 1, 1, 1, 1, 1, 1, 1, 1 & 1 of 2014

Tamil Nadu Housing Board,
Rep. by the Chairman-cum-Managing Director,
No.493, Anna Salai,
Nandanam,
Chennai 600 035.

.. Appellant in WA.No.249 of 2014

Vs.

1. P.Valli
2. The Special Tahsildar,
Land Acquisition,
Housing Scheme,
Hosur, Krishnagiri District.

.. Respondents in WA.No.249 of 2014

Common Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 06.01.2009 made in WP.No.29892, 29893, 29894, 29896 of 2008 and order dated 27.01.2009 made in 1361, 1362, 1364, 1365, 1366, 1367, 1368 of 2009 passed by the learned Single Judge of this Court.



WEB COPY



W.A. Nos.249 to 259 of 2014

For appellant : Mrs.C.Shyamala

For respondents

for R1 : Mr.R.Bharathkumar

for R2 : Mrs.Geetha Thamaraiselvan, Spl.G.P.

COMMON JUDGMENT

(The Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

These Writ Appeals have been preferred against the order passed by the Writ Court dated 06.01.2009 and 27.01.2009, wherein a direction was issued for issuance of No Objection certificate (NOC) to the first respondent.

2. The learned Standing Counsel appearing for the appellant Housing Board, would submit that the Writ Petitioner/first respondent is only a subsequent purchaser and therefore, they have no *locus standi* to issue No Objection certificate in favour of the first respondent.

3. The learned counsel appearing for the first respondent by relying



W.A. Nos.249 to 259 of 2014

upon the judgment of the Division Bench of this Court in Writ Appeal No.1811 of 2007, dated 18.10.2011, submitted that when a similar matter came up before this Court for consideration, this Court, after hearing both sides dismissed the appeal with a direction to the appellant Housing Board to issue No Objection Certificate to the first respondent. Therefore, according to the petitioner, the order of the Writ Court in granting NOC is perfectly right, which warrants no interference of this Court.

4. On a perusal of the order passed by the Division Bench of this Court in W.A.No.1811 of 2011, it is seen that the original owners of the lands filed Writ Petitions in WP.Nos.16881 and 16882 of 1994 and the same was allowed on 20.04.2001 quashing the acquisition proceedings. The appeals filed against the same were rejected in SR stage itself. Therefore, the order passed by the learned Single Judge has become final. Subsequent to the quashing of the land acquisition proceedings, the Housing Board has to issue No Objection Certificate to the first respondent.

5. It is clear that the entire land acquisition proceedings were



W.A. Nos.249 to 259 of 2014

challenged before the Writ Court and the same was allowed by quashing the acquisition proceedings. Since the acquisition proceedings itself is quashed, the subsequent purchaser is also entitled for granting No Objection Certificate. Therefore, we are not inclined to interfere with the order passed by the Writ Court. Hence, these Writ Appeals fail and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J] [P.B.B., J.]

10.07.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To
The Special Tahsildar,
Land Acquisition,
Housing Scheme,
Hosur, Krishnagiri District.



WEB COPY



W.A. Nos.249 to 259 of 2014

D.KRISHNAKUMAR, J.
and
P.B.BALAJI, J.

pvs

W.A. Nos.249 to 259 of 2014

10.07.2023