



Sub.Appl.No.367 of 2022
in
Contp.No.1063 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Sub Application No.367 of 2022
in
Contempt Petition No.1063 of 2022
in
W.P.No.2831 of 2017

1.T.Palanichamy

2.K.Veluchamy

.. Petitioners

Vs.

Shunchonngam Jatak Chiru
Tamil Nadu Housing Board,
Managing Director,
800, Anna Salai, Nandanam,
Chennai – 600 035.

.. Respondent

PRAYER: This Sub Application is filed under Section 151 of C.P.C., to
reopen the Contempt Petition No.1063 of 2022.

For Petitioners : Mr.B.Manoharan

For Respondent : Mr.A.M.Ravindarnath Jeyapal
Standing Counsel
For Tamil Nadu Housing Board
(TNHB)



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ORDER

The Sub Application has been filed to reopen the Contempt Petition filed in Contempt Petition No.1063 of 2022 in W.P.No.2831 of 2017.

2. The petitioners filed W.P.No.2831 of 2017, seeking direction to the respondent to issue No Objection Certificate (NOC) to the petitioners pursuant to the application dated 19.07.2016 in respect of the property measuring about 36.5 cents comprised in S.F.No.944/1A, Kalapatti Village, Coimbatore Taluk.

3. The order passed in the writ petition is to direct the respondent to consider the petitioners' application dated 19.07.2016, seeking No Objection Certificate (NOC) for their property. This Court directed the authorities to pass orders within a period of four weeks.

4. With reference to the order of direction to consider the representation of the petitioners, the respondent / Tamil Nadu Housing Board passed an order in proceedings dated 15.07.2022, stating that the



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writ petitioner is a subsequent purchaser (vide Document No.8544/2014 dated 20.11.2014). The Land Acquisition proceedings involving the subject lands were upheld by the Hon'ble High Court of Madras in its judgment dated 05.03.2002 passed in W.P.No.20154 of 1997. Accordingly, the request of the petitioners to issue No Objection Certificate in respect of the 36.5 cents of land comprised in S.No.944/1A, Kalapatti Village, North Taluk, Coimbatore District is rejected.

5. Before passing the above order dated 15.07.2022, the writ petitioners filed Contempt Petition No.1063 of 2022. Thereafter, the Contempt Petition was closed by this Court on 11.07.2022 with an observation that *“Learned counsel for the respondent submits that the No Objection Certificate will be issued in favour of the petitioners within a period of one week from today”*. After recording the submission made by the learned counsel for the respondent, the contempt petition was closed.

6. Relying on the above statement made by the learned counsel for the respondent, the present Sub application is filed to reopen the Contempt Petition.



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7. This Court cannot merely go by the said statement, in view of the fact that this Court directed the respondent to consider the representation submitted by the writ petitioners and pass appropriate orders with reference to the claim of the writ petitioners for issuance of No Objection Certificate. The observations made in the order passed in the contempt petition is to pass appropriate orders on the claim of the No Objection Certificate and the statement of the learned counsel for the respondent cannot be misconstrued as if a positive order is to be passed by the respondent. Any such positive orders are to be passed only on merits and in accordance with law. Certain statement of the learned counsels made before the Court cannot be misinterpreted for the purpose of taking undue advantage by the litigants.

8. In the present case, the writ petitioners submitted a representation on 19.07.2016 and in W.P.No.2831 of 2017 dated 19.07.2016, this Court directed the authorities to consider the said representation and pass appropriate orders within a period of four weeks.



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9. Since the order was not passed, the petitioners moved Contempt Petition in Contempt Petition No.1063 of 2022. Thereafter, an order was passed by the Tamil Nadu Housing Board in proceedings dated 15.07.2022, stating that the land acquisition proceedings initiated in respect of the subject land was confirmed by this Court and therefore, No Objection Certificate cannot be issued in favour of the petitioners.

10. This being the factum, the Sub Application No.367 of 2022 in Contempt Petition No.1063 of 2022 cannot be entertained and accordingly stands dismissed. That apart, the writ petitioners have already filed W.P.No.3036 of 2022, challenging the order of rejection passed by the Tamil Nadu Housing Board. In the said writ petition, the petitioners are at liberty to raise their grounds. No costs.

24.03.2023

Index : Yes
Speaking order: Yes/No
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Shunchonngam Jatak Chiru
Tamil Nadu Housing Board,
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800, Anna Salai, Nandanam,
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S.M.SUBRAMANIAM, J.

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