



WEB COPY



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.Nos.23396, 23399, 23400, 23403,
23407 & 23408 of 2022

W.P.No.23396 of 2022 :

Baby

.... Petitioner

Vs

- 1.The Managing Director
Tamil Nadu Housing Board
CMDA Complex, E&C Market Road
Koyambedu, Chennai - 600 107.
- 2.The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development Department
Chennai - 600 009.
- 3.The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I, Coimbatore.
- 4.The Assistant Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road, Coimbatore - 641 012.
- 5.The Sub Registrar
Gandhipuram, Coimbatore.



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

6.The Tahsildar

Taluk Office, Coimbatore North.

..... Respondents

[R2 to R6 impleaded vide order dated 13.09.2022
made in WMP.No.23502 of 2022 in W.P.No.23396 of 2022]

W.P.No.23399 of 2022 :

- 1.Poovathal (Died)
- 2.Senniyappa Gounder
- 3.Baby
- 4.Rajan
- 5.Dhandapani
- 6.Kanakaraj

..... Petitioners

[Petitioners 2 to 6 substituted as LR's of the deceased
sole petitioner vide order dated 12.01.2023 made in
WMP.No.26994/2022 in W.P.No.23399 of 2022]

Vs

1. The Managing Director
Tamil Nadu Housing Board
CMDA Complex, E&C Market Road
Koyambedu, Chennai - 600 107.
- 2.The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development Department
Chennai - 600 009.
- 3.The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I, Coimbatore.
- 4.The Assistant Director of Town and Country Planning
Coimbatore Region



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

Dr.Nanjappa Road, Coimbatore - 641 012.

5.The Sub Registrar
Gandhipuram, Coimbatore.

6.The Tahsildar
Taluk Office, Coimbatore North.
[R2 to R6 suo motu impleaded]

.... Respondents

W.P.No.23400 of 2022 :

Rajamani

..... Petitioner

Vs

1. The Managing Director
Tamil Nadu Housing Board
CMDA Complex, E&C Market Road
Koyambedu, Chennai - 600 107.
- 2.The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development Department
Chennai - 600 009.
- 3.The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I, Coimbatore.
- 4.The Assistant Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road, Coimbatore - 641 012.
- 5.The Sub Registrar
Gandhipuram, Coimbatore.



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

6.The Tahsildar
Taluk Office, Coimbatore North.
[R2 to R6 suo motu impleaded]

.... Respondents

W.P.No.23403 of 2022 :

S.Dhandapani

..... Petitioner

Vs

1. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai - 600 035.
- 2.The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development Department
Chennai - 600 009.
- 3.The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I
Coimbatore.
- 4.The Assistant Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road, Coimbatore - 641 012.
- 5.The Sub Registrar
Gandhipuram, Coimbatore.
- 6.The Tahsildar
Taluk Office, Coimbatore North.
[R2 to R6 suo motu impleaded]

.... Respondents



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

W.P.No.23407 of 2022 :

S.Rajan

..... Petitioner

WEB COPY

Vs

1. The Managing Director
Tamil Nadu Housing Board
CMDA Complex, E&C Market Road
Koyambedu, Chennai - 600 107.
 2. The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development Department
Chennai - 600 009.
 3. The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I
Coimbatore.
 4. The Assistant Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road, Coimbatore - 641 012.
 5. The Sub Registrar
Gandhipuram, Coimbatore.
 6. The Tahsildar
Taluk Office, Coimbatore North.
- Respondents
[R2 to R6 suo motu impleaded]

....

W.P.No.23408 of 2022 :

Mayilsamy

..... Petitioner

Vs



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

WEB COPY

1. The Managing Director
Tamil Nadu Housing Board
Nandanam
Chennai - 600 035.

2. The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development Department
Chennai - 600 009.

3. The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I
Coimbatore.

4. The Assistant Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road, Coimbatore - 641 012.

5. The Sub Registrar
Gandhipuram, Coimbatore.

6. The Tahsildar
Taluk Office, Coimbatore North.
[R2 to R6 suo motu impleaded]

.... Respondents

Common Prayer in W.P.No.23396, 23399 & 23400 of 2022: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to issue No Objection Certificate in respect of the land comprised in Survey No.539/3A situate at Vellakinar Village, Coimbatore North Taluk and District, to an extent of 0.63 acre respectively to the petitioners forthwith by considering the petitioners' representations dated 19.11.2019 and 02.08.2022.



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

Prayer in W.P.No.23403, 23407 & 23408 of 2022: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to issue No Objection Certificate in respect of the land comprised in Survey No.539/2B situate at Vellakinar Village, Coimbatore North Taluk and District, to an extent of 0.50 acre respectively to the petitioners forthwith by considering the petitioners' representations dated 19.11.2019 and 02.08.2022.

For Petitioners : Mr.V.Raghavachari, Senior Advocate
Assisted by Mr.V.Anandamurthy

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.U.Baranidharan
for R2 to R6
Mr.D.Veerasekaran for R1

COMMON ORDER

1.1 The petitioners herein own a certain extent of lands in Vellakkinaru Village in Coimbatore Taluk, and the details are provided below :

W.P.No.	Petitioner name	Extent of land
23396/ 2022	Baby	63 cents in Sy.No.539/3A
23399/ 2022	Poovathal (Died) Legal heirs substituted	63 cents in Sy.No.539/3A
23400/ 2022	Rajamani	63 cents in Sy.No.539/3A
23403/ 2022	Dhandapani	50 cents in Sy.No.539/2B
23407/ 2022	Rajan	50 cents in Sy.No.539/2B
23408/ 2022	Mayilsamy	50 cents in Sy.No.539/2B



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

WEB COPY

1.2 According to the petitioners, the Government vide G.O.Ms.No.386, Housing and Urban Development, dated 06.09.1996, and G.O.Ms.No.379, Housing and Urban Development, dated 28.10.1997, had acquired the lands for the purpose of a housing scheme and construction of house sites, which also includes the lands of the petitioners herein. Challenging the acquisition, the petitioners herein moved this Court in W.P.No.2970 of 1998, and this Court vide its order dated 24.01.2005, had quashed the said proceedings of the Government, and thereby allowed the writ petition. After a lapse of six years, the Government filed an appeal in 2011, and the same was dismissed even before it was taken on record. Since then no proceedings were initiated by the Government, the order of this Court passed in W.P.No.2970 of 1998 had become final. However, the petitioners were not able to promote their lands since the other authorities (respondents 4 to 6) as the case may be raised objections, who insisted that the petitioners herein to obtain an NOC from the first respondent, the TNHB for removing the cloud created vis-a-vis the notifications for acquisition stated above. Since, there was no response from the authorities concerned, they are now before this Court in the present writ petitions.



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

WEB COPY

2. Since this Court had impleaded the respondents 2 to 6, as necessary parties in W.P.No.23396 of 2022, this Court deems it appropriate to implead those respondents also in the connected W.P.Nos. 23399, 23400, 23403, 23407 & 23408 of 2022, as the issue involved is one and the same in all these petitions, and accordingly, respondents 2 to 6 herein are impleaded in the connected writ petitions too.

3. Heard the learned counsel for the petitioner, and the learned AAG. The learned counsel for the petitioners submitted that when the lands of the petitioners were notified for acquisition, intimation was given about it by the Land Acquisition Officer to the other related officials who in turn had promptly notified the same in their records that the survey numbers of the lands of the petitioners were notified for acquisition. Now, despite the fact that the acquisition proceedings have been set aside by this Court, the entries made by respondents 4 to 6 in their record continue, and whenever the petitioners intend to deal with their lands, these authorities resist it on the basis of the earlier entries in their record. They insist the petitioners to obtain a NOC from the TNHB, the beneficiary of the intended acquisition.



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

And, hence the petitioners are here before this Court for a direction to the TNHB to issue a NOC as required by the other authorities.

4. Mr.J.Ravindran, learned Additional Advocate General made a fair statement that upon the rejection of the writ appeal preferred by the Government, the decision of this Court in W.P.No.2970 of 1998 has become final. The said statement is recorded.

5. This court wonders why at all a NOC is required to be obtained from TNHB, when it has no subsisting interest in the lands belonging to the petitioners. When the acquisition proceedings had commenced, the beneficiary of the acquisition only had the prospect of having the title to the property proposed to be acquired vested in it. For the title to vest in a beneficiary, the acquisition proceedings should have concluded. Therefore, an aborted, or to be more precise, a force-aborted acquisition proceedings (such in this case where the acquisition proceedings had come to an end under an order of this Court), can never vest title to the property proposed to be acquired in the beneficiary. Therefore, what is the authority in TNHB to issue a NOC, and where is the need to approach it for issuing it?



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

WEB COPY

6. In fitness of things, all those authorities who had made an endorsement in their respective books/registers/records that the lands in certain survey numbers are notified for acquisition should have corrected the records when once the acquisition proceedings are either dropped or set aside by the court. The Land Acquisition Officer who is prompt in alerting the other authorities such as respondents 4 to 6 about the intended acquisition should have also communicated to the latter mentioned authorities that they should make a reverse entry in their records whenever the acquisition proceedings are dropped or set aside by the Court. His failure to do it cannot be let to reflect on the title holders of the property. This may be a systemic malady, in which case it only requires corrective steps within the system. Instead, to drive the successful land owners again for obtaining NOC is plainly cruel.

7. This court therefore, allows this batch of petitions and modifies the prayer, and directs respondents 4 to 6 to correct their records based on the order of this Court passed in W.P.No.2970 of 1998, dated 24.01.2005 as well as W.A.SR.No.78601 of 2011, within 4 weeks from the date of receipt



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

of copy of this Order. The writ petitions are accordingly disposed of. No

costs.

07.08.2023

Index : Yes / No

Speaking order / Non-speaking order

ASR / ds



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

To:

WEB COPY

- 1.The Managing Director
Tamil Nadu Housing Board
CMDA Complex, E&C Market Road
Koyambedu, Chennai - 600 107.
- 2.The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Chennai - 600 009.
- 3.The Special Tahsildar
Land Acquisition
Housing Scheme Unit-I
Coimbatore.
- 4.The Assistant Director of Town and Country Planning
Coimbatore Region
Dr.Nanjappa Road
Coimbatore - 641 012.
- 5.The Sub Registrar
Gandhipuram, Coimbatore.
- 6.The Tahsildar
Taluk Office
Coimbatore North.



WEB COPY



W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

N.SESHASAYEE.J.,

ds

W.P.Nos.23396, 23399, 23400, 23403, 23407 & 23408 of 2022

07.08.2023