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W.P.No. 29889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.01.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P.No. 29889 of 2022**

Mrs. M. Tamizharasi

... Petitioner

Vs

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

2. Chennai Metropolitan Development Authority,  
(CMDA), Thiamuthu- Natarajan Maaligai,  
No. 1, Gandhi Irwin Road, Egmore,  
Chennai – 600 008

.... Respondents

R2 Suo motu impleaded vide  
orderdated 09.12.2022 made in  
W.P.No. 29889 of 2022 By RSMJ

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondent to consider the representation dated 17.10.2022 for requesting issuance of NOC for petitioner vacant house site based on the letter sent to the respondent vide D.C.No. A7/GCC/2021 dated 16.03.2022 by the Executive Engineer, Works Department, Greater Chennai Corporation, Ripon Building, Chennai – 03, which is pending till date on the file of the office of the respondent and issue NOC for regularization of the petitioner's unapproved house site.



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For Petitioner : Mr. E. Kotteeswaran  
For Respondents : Mr. D. Veerasekaran  
Standing Counsel  
for TNHB  
for R1  
M/s. P. Veena Suresh  
(CMDA) for R2

### **ORDER**

The writ petition has been filed in the nature of mandamus, seeking a direction against the first respondent, namely the Managing Director, Tamil Nadu Housing Board at Chennai to consider the representation dated 17.10.2022, given by the petitioner herein.

2. By the said representation, the petitioner had sought issuance of no objection certificate for the vacant house site of the petitioner based on the letter sent by the first respondent dated 16.03.2022 in DC.No. A7/GCC/2021.

3. During the course of arguments, it was found necessary that Chennai Metropolitan Development Authority should also be made a party. Subsequently by suo mottu order dated 09.12.2022, Chennai Metropolitan Development Authority had been impleaded as the second respondent.



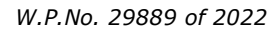
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4. Heard the learned counsel for the petitioner and also the learned Standing Counsel for the first and second respondents.

5. The petitioner had purchased two plots along with her husband, bearing plot numbers 114 & 115 situated at Annai Kasthuribao Street, Indira Nagar Valasaravakkam Village comprised in survey numbers 181/24 & 181/25. The documents of sale has also been registered as Document No. 3167/2020 before the Sub Registrar's Office at Valasaravakkam, Chennai.

6. The patta had been mutated with the name of the petitioner. However, the plots are unapproved plots and they have applied with CMDA for regularization of the unapproved plots. The application was considered by CMDA and it was stated that no objection certificate should be obtained by Housing Board.

7. Learned Standing Counsel for the Tamil Nadu Housing Board stated that large extent of lands in Valasaravakkam had been acquired by Housing Board and some of the lands had been taken possession and some of the lands had not been taken possession. Consequent to the letter of CMDA, the petitioner had given a



8. The first respondent is directed to examine and pass necessary orders in the manner known to law and following the due process on or before 28.02.2023.

**20.01.2023**

To

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**C.V.KARTHIKEYAN, J.**

(mrn)

**W.P.No. 29889 of 2022**

**20.01.2023**