



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33034 of 2022

M.Duraisamy

.. Petitioner

Vs.

1.The Tamil Nadu Housing Board,
Rep.by its Managing Director,
Fifth Floor, C.M.D.A.Building,
E & C Market Road,
Koyambedu, Chennai – 600 107.

2.The Executive Director,
Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Coimbatore – 641 012.

3.The Special Tahsildar / Land Acquisition,
Coimbatore North Taluk,
Kalapatti Village.
(R3 Suo Moto impleaded vide order dated
06.01.2023 made in W.P.No.33034 of 2022
by CVKJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents herein to
forthwith issue No Objection Certificate (நில ஆர்ஜித நடவடிக்கை)



ஏதும் இல்லை எனும் தடையில்லாச் சான்று) in respect of the Land to an extent of 24 cents in S.F.No.962 (After Sub-Division S.No.962/2A and 962/2A1A) of Kalapatti Village, Coimbatore North Taluk & Coimbatore District in the light of quashing of land acquisition proceedings in W.P.No.16891 of 1992 dated 08.02.2000 by considering the representation of the petitioner dated 14.07.2022 to enable him to develop his land.

For Petitioner	.. Mr.Kandhan Duraisami
For R1 & R2	.. Mr.D.Veerasekaran, Standing Counsel
For R3	.. Mr.U.Bharanidharan, Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction primarily against the 2nd respondent / Executive Director, Tamil Nadu Housing Board, Coimbatore Housing Unit, Tatabad, Coimbatore, to issue No Objection Certificate in respect of land measuring, 24 cents in S.F.No.962 after Sub-Division S.No.962/2A and 962/2A1A of Kalapatti Village, Coimbatore North Taluk, Coimbatore District, consequent



to the setting aside of the land acquisition proceedings in W.P.No.16891 of 1992 dated 08.02.2000. In this connection, the petitioner had given a representation on 14.07.2022.

2. Even before examining further averments in the affidavit, let me extract the counter filed by the 2nd respondent. In the counter affidavit, it had been stated as follows:

“4.I submit that the representation dated 14.07.2022 sent by the writ petitioner to issue No Objection Certificate for the 24 cents of land in S.No.962 / 2A1A at Kalapatti Village, Coimbatore North Taluk & Coimbatore District was duly considered by the respondent / Board and a reply vide letter No.L.A.Spl5/13981/2022 dated 27.12.2022 was sent to the writ petitioner and the same is annexed with this counter affidavit. The relevant portion as below:-

In the reference 2nd and 3rd cited, it is reported that the entire acquisition proceedings have been quashed in respect of the lands covered in Award No.10/94 dated 08.02.2000.”



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3.It is stated that land acquisition proceedings had been quashed by order of Court and there is no indication whether any writ appeal had been filed or whether any orders had been passed subsequent to the said order in W.P.No.16891 of 1992 dated 08.02.2000.

4. A mandamus is therefore issued for grant of No Objection Certificate, if the petitioner is entitled to the same, on or before 10.03.2023. The respondents may verify as to whether there is any order of stay or any other order by an Appellate Court and if not, proceed further to issue No Objection Certificate. No further orders are required. The Writ Petition stand allowed. No costs.

24.02.2023

Index:Yes/No
Internet:Yes/No
smv

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C.V.KARTHIKEYAN,J.

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