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W.A.Nos.2292 to 2298 of 2011 (7 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.2292 to 2298 of 2011
and
M.P.Nos.1,1,1,1,1,1 & 1 of 2011

W.A.No.2292 of 2011

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

... Appellant

Vs.

1. R.Ravichandran
2. The Special Tahsildar,
Land Acquisition,
Housing Scheme,
Hosur, Krishnagiri District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order in W.P.No.538 of 2009 dated 07.10.2009.



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For Appellant : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.M.Arunkumar
Standing Counsel for TNHB

For R1 : Not ready in notice.

For R2 : Mr.A.Selvendran
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The intra-Court appeals on hand have been instituted challenging the order passed in the writ petitions directing the appellants to issue 'No Objection Certificate' in respect of the properties, which were acquired for the benefit of the Tamil Nadu Housing Board.

2. The Tamil Nadu Housing Board is the appellant herein.

3. Mr.P.Kumaresan, the learned Additional Advocate General would submit that by citing one order of no objection in a single writ petition, the third



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party purchasers are attempting to secure 'No Objection Certificate' by filing writ petitions. The petitioners, admittedly are not the original owners and subsequent purchasers. Subsequent purchasers cannot challenge the land acquisition proceedings. The land acquisition proceedings challenged by the original owners were either rejected in the writ petition stage or in the writ appeal in some cases, where acquisition proceedings are confirmed.

4. Several writ petitions and writ appeals are filed. Therefore, the Tamil Nadu Housing Board and the Government has to verify the details of the properties acquired with reference to the ownership/title and decisions are to be taken accordingly.

5. 'No Objection Certificate' cannot be claimed as an absolute right by the third party purchasers of acquired land. Once the lands are acquired by following due process under the Land Acquisition Act, the land absolutely vest with the Government and the title transferred. Thereafter, the owners have no right to claim reconveyance.



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6. Section 48-B of the old Land Acquisition Act is an enabling provision, where the Government has to take decision to reconvey the land. However, the erstwhile owner of the acquired land cannot seek reconveyance as a matter of right.

7. In the present case, the lands were acquired for the benefit of the Housing Board. By citing one writ petition, several other writ petitions are filed without reference to the identical facts and those third party purchasers are attempting to secure 'No Objection Certificate' in order to secure the lands, which were already acquired. Such a practice cannot be encouraged by the Courts. Verification of facts are imminent. Therefore, we are inclined to pass the following orders:

(i) Wherever the land acquisition proceedings are concluded and confirmed by the Courts, the competent Authorities/Government is not obligated to issue 'No Objection Certificate' to the original owners or the subsequent purchasers.

(ii) If the land acquisition proceedings are quashed by the Courts, in such cases, the competent Authorities/Government has to issue 'No Objection Certificate' to the owners concerned.



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(iii) If any writ appeal or other proceedings are pending before the Courts, a decision to consider the case of the application for grant of 'No Objection Certificate' is to be considered after disposal of all those cases.

8. Accordingly, the cases of the respondents herein also shall be considered by the competent Authorities/Government for issuance of 'No Objection Certificate' by verifying the details of the property acquired and the pending litigations before the Courts.

9. With the above directions, all the Writ appeals are **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]
02.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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Judgment in
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