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W.P.No.7338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

**W.P.No.7338 of 2024
and WMP No.8224 of 2024**

1. Tmt.R.Ayyammal
2. Tmt.Mononmani Ramasamy
3. Tmt.R.Rani
4. Tmt.J.Mohana Sundari
5. Thiru R.Venkatesan

.... Petitioners

Vs

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



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6. The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to issue No Objection Certificate in respect of the land comprised an extent of 1 acre 38 cents in S.F.No.942/5C1 in Kalapatty Village, Coimbatore (North) Taluk, Coimbatore District.

For Petitioner : Mr.M.Sriram
For Respondents : Mr.S.Balamurugan
Government Advocate – R1
Mr.G.Nanmaran
Special Government Pleader – R2 to R6

ORDER

WMP No.8224 of 2024 filed seeking permission to file a single Writ Petition is ordered on payment of separate Court fee.

2. Mr.Balamurugan, learned Government Advocate accepts notice for R1 and Mr.G.Nanmaran, learned Special Government Pleader accepts notice for R2 to R6. Both are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

3. The petitioners, numbering 5, have sought a mandamus directing the respondents, being the officials of the Tamil Nadu Housing Board and



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Registration Department, Coimbatore to issue a No Objection Certificate (NOC) in respect of the lands comprised in S.F.No.942/5C1 in Kalapatty Village, Coimbatore (North) Taluk, Coimbatore District ('property'/'property in question'/'subject property').

4. The property in question had been the subject matter of acquisition under the Land Acquisition Act, 1894. Those proceedings have been challenged by the petitioners' mother along with other co-owners in W.P.No.2134 of 1994 and by order dated 09.03.2001, the proceedings were quashed. That order has, admittedly, become final.

5. Immediately thereafter, the petitioners' mother has stated to have given a representation to cancel the entries in relation to the acquisition and issue NOC in order to enable the petitioners to deal with the subject property.

6. The first of the written representation is dated 27.12.2012, a mere 12 years ago! The receipt of that representation is not in doubt, as, under proceedings கடித எண் ந்த5/415/2010 dated 19.08.2013, an official of the Tamil Nadu Housing Board has communicated with the authorities at Chennai recommending the case of the petitioner for issuance of NOC. The petitioners are now before this Court in view of the prolonged delay in issuance of NOC, which stands in the way of their dealing with the



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property.

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7. Mr.Balamurugan, learned Government Advocate for R1 and Mr.G.Nanmaran, learned Special Government Pleader for R2 to R6 would accede to the position that the matter is pending with undue delay on their part and would assure the Court as well as the petitioners that the needful will be done in terms of disposing the representation of the petitioners and dealing with their request in a timely fashion.

8. Hence, mandamus is issued to R2 to coordinate with other authorities, take inputs from them, hear the petitioners and do the needful in terms of disposing the representation seeking of NOC, in accordance with law and all Rules, Regulations and Government Orders, within a period of four (4) weeks from date of receipt of a copy of this order.

9. This Writ Petition is disposed as above. No costs. Connected Miscellaneous Petition is closed.

18.03.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
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To

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Dr.ANITA SUMANTH,J.

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