



W.P No.14420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN,J.

**W.P No.14420 of 2022
and
W.M.P No.13646 of 2022**

1.V.Narchonai
2.P.Boopathy

... Petitioners

Vs

1.Tamil Nadu Housing Board,
Rep. by its Managing Director,
Nandanam, Chennai-600 035.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Salem Housing Board Division,
Salem-635 006.

3.Th Joint-I Sub Registrar,
(In the Cadre of District Registrar),
Salem West District Registrar Office,
District Collector's Office Compound,
Salem-636 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for

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issuance of Writ of Mandamus directing the respondents 1 and 2 herein to forthwith consider and pass orders on the representation dated 14.03.2022 submitted by the petitioners herein to issue the Objection Certificates (நல ஆர்ஜித நடவடிக்கை ஏதும் இல்லை எனும் தடையில்லாச் சான்று) to the petitioners in respect of their Lands of an extent of 81¾ cents and 2400 square feet in S.No.52/1A8, 53/1A1B and 70/3G (T.S Nos.77/2 & 79/2) of Alagapuram, Ayyamperumampatti Village, Salem Taluk & District since the acquisition proceedings were quashed by this Court in W.P No.13675 of 1998 dated 21.09.2000 and reached finality.

For Petitioners	: Mr.Kandhan Duraisami
For R1 & R2	: Mr.C.Kalaichelvan
For R3	: Mr.S.Arumugam
	Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the respondents 1 and 2 to issue no objection certificate in respect of the land comprised in Survey No.52/1A8, 53/1A1B and 70/3G (T.S.No.77/2 & 79/2) to an extent of 81 ¾ cents and 2400 sq.ft. situated at Alagapuram, Ayyamperumampatti Village, Salem Taluk (herein after referred to as “subject property”)

2. Heard the learned counsel appearing on either side and



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perused the materials available on record.

3. The subject land was owned by one Natesan, Son of Govinda Gounder. It was purchased by the first petitioner vide registered sale deed dated 04.10.1995. The second petitioner also purchased some portion of the property by a registered sale deed dated 24.11.2004.

4. A perusal of the records reveals that the subject land was originally acquired by the respondents and also passed an award in Award No.3/97-98 dated 07.01.1998. As against the acquisition proceedings, the first petitioner filed a writ petition in W.P.No.13675 of 1998 before this Court. This Court allowed the writ petition and quashed the entire proceedings. Aggrieved by the same, the respondents preferred an appeal along with a condone delay petition. The Hon'ble Division Bench of this Court dismissed the condone delay petition and the same was also confirmed by the Hon'ble Supreme Court of India. Therefore, the order passed in W.P.No.13675 of 1998 has become final. While the petitioner is



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proceeding to deal with the subject land, the petitioner was directed to produce no objection certificate from the respondents. Though the petitioner applied for no objection certificate from the respondents, it was not considered so far.

5. A perusal of the written submissions of the respondents also reveals that the subject land was acquired and thereafter, the entire acquisition proceeding was quashed by this Court. However, the petitioners were not permitted to deal with the property.

6. In view of the above, the petitioners have absolute title over the subject property and they can deal with the property without obtaining any no objection certificate from the respondents. The third respondent is directed not to insist for any no objection certificate from the petitioners in respect of the subject property to deal with the subject property.

7. With the above direction, this writ petition stands allowed.



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No costs.

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Index:Yes/No
Internet : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

- 1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.
- 2.The Executive Engineer and
Administrative Officer,
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Salem Housing Board Division,
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- 3.Th Joint-I Sub Registrar,
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