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W.P.No.10296 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10296 of 2019
and WMP No.10844 of 2019

Ranjit Lamesch

... Petitioner

Vs.

1. The Tamil Nadu State Housing Board,
By its Secretary,
493, Anna Salai,
Nandanam, Chennai 600 035.

2. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.18, Gandhi Irvin Road,
Egmore, Chennai 600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from insisting for No Objection Certificate from the first respondent Tamil Nadu Housing Board in respect of the petitioner's land comprised in survey No.152/2A1A1A and 152/29 of an extent of 99 cents in Valasaravakkam Village for considering the planning permission.



WEB COPY



W.P.No.10296 of 2019

For Petitioner : Mr. M.Balasubramanian
for M/s.P.Wilson Associates

For Respondents : Mr.A.M.Raviindranath Jeyapal
Standing Counsel, for R1

Mrs.P. Veena Suresh,
Standing Counsel, for R2

ORDER

This Writ Petition has been filed for a direction, forbearing the 2nd respondent from insisting for No Objection Certificate from the 1st respondent in respect of his land in Survey No. 152/2A1A1A and 152/29 to an extent of 99 cents in Valasaravakkam Village, Chennai for granting the planning permission.

2. The petitioner owned the land comprised in Survey No. 152/2A1A1A and 152/29 in Valasaravakkam Village. The petitioner is also issued Patta No.12975 for the said land. While being so, the 1st respondent issued notification under Section 4(1) of the Land Acquisition Act to acquire the land for public purpose such as housing scheme to meet the demands of



W.P.No.10296 of 2019

various sections and for development of the said area as new Ramapuram Neighbourhood Scheme.

3.The acquisition proceedings was challenged before this Court in W.P.No.7126 of 1986 and the same was allowed by an order dated 09.10.1991. However, an award was passed in Award No.1 of 1988 in respect of the petitioner's land. Once again, the petitioner challenged the award in W.P.No.10744 of 1988 in so far as his land. The said Writ Petition was allowed by an order dated 28.01.1991. It reaches finality, since no appeal has been filed by the 1st respondent. The petitioner is in physical possession and enjoyment of the said property even till today. In order to develop the said land, the petitioner applied for planning permission. However, the 2nd respondent insisted the petitioner to obtain No Objection Certificate from the 1st respondent, since the subject land was already acquired.

4. On perusal of the papers revealed, the entire acquisition proceedings including the award passed as against the petitioner's land were quashed by this Court and it attained finality. That apart, the petitioner is in



W.P.No.10296 of 2019

possession and enjoyment of the said property. Therefore, the 1st respondent has no say further, in so far as the subject land is concerned.

That apart, the award was passed in the year 1988, so far, the possession of the subject property has not been taken by the 1st respondent in order to develop the area under the new Ramapuram Neighbourhood Scheme. Therefore, the Award No.1 of 1988 dated 09.05.1988 itself lapsed.

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5. On perusal of the counter also revealed that as against the order passed in W.P.No.7126 of 1986, challenging the 4(1) notification of the Land Acquisition Act, the 1st respondent filed Writ Appeal in W.A.No.689 of 1995 and the same was allowed. However, the 1st respondent did not file any appeal as against the order passed in W.P.No.10744 of 1988 thereby, quashing the Award No.1 of 1988 for the reason that the award should have been passed as early as in 1986. However, the award passed was on 09.05.1988, by that time, the acquisition proceedings itself were lapsed.

6. In view of the above, the 2nd respondent is directed to consider the application submitted by the petitioner for planning permission in respect of the subject land without insisting No Objection Certificate from the 1st



W.P.No.10296 of 2019

respondent.

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7. This Writ Petition is allowed with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

26.09.2024

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Internet : Yes/No

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

To

1. The Secretary,
Tamil Nadu State Housing Board,
493, Anna Salai,
Nandanam, Chennai 600 035.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.18, Gandhi Irvin Road,
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G.K.ILANTHIRAIYAN, J.



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W.P.No.10296 of 2019

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W.P.No.10296 of 2019
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26.09.2024