



WEB COPY



WP.No.10514 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10514 of 2024

1.K.Somasundaram
2.S.Palanisamy
3.B.V.L.Ravi
4.M.S.P.Mohanaselvan

.. Petitioners

Versus

1.The Tamil Nadu Housing Board
Rep by its Managing Director
5th Floor, CMDA Building
E & C Market, Koyambedu
Chennai – 600 107

2. The Executive Engineer and Administrative Officer
Tamil Nadu Housing Board
Coimbatore Housing Unit
Tatabad, Coimbatore – 12

3.The Special Tahsildar, (Land Acquisition)
Housing Scheme Unit No.II
Coimbatore, Coimbatore District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to forthwith issue No Objection certificate in respect of land to an extent of 2.17.07 Acres in Survey No.964/8 of Kalapatti Village, Coimbatore North Taluk, Coimbatore District by considering the representation of the petitioners/agreement holder



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dated 21.08.2023 to enable them to develop their land.

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For Petitioner : Mr.K.Dhananjayan

For Respondents : Mr.V.Gunasekar for R1& R2
Mr.P.Sathish for R3
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents to issue No objection certificate in respect of the petitioner's land enabling them to develop their lands.

2. It is the case of the writ petitioner that the property in S.No.964 measuring 2.71.0 Hectare was the subject matter of G.O.Ms.No.616 dated 26.09.1994 in acquisition proceedings. The said acquisition proceedings were put in challenge in W.P.No.30897 of 2014. This Court by order dated 07.04.2022 allowed the writ petition holding that acquisition is lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Hence, it is the contention of the writ petitioner that order become final as no appeal is filed. In this regard, now NOC is sought to develop the property, however, the same is not considered till date. Hence, this writ petition

<https://www.mhc.tn.gov.in/judges> 3. Counter has been filed. It is stated that though the acquisition



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proceedings were quashed, but survey No.964/8 is not covered under the proceedings. Whereas, the learned counsel for the petitioner would submit that the very writ order included S.No.964 for extent of 2.71 acres. The petitioner has purchased that the property in the same survey number. Therefore, submitted that the counter did not reflect the true facts.

4. Heard both sides and perused the materials available on record. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

5. Be that as it may, the learned counsel for the respondents would submit that since the survey No.964 is also subject matter of Government Order, land acquisition is quashed, they will consider and pass order after verifying any order of stay or any appeal is filed.

6. Such view of the matter, considering the limited relief sought for in this writ petition for grant of NOC, this Court without going into the merits of the case directs the respondents to pass appropriate orders on merits within a period of two months from the date of receipt of a copy of this Order. The respondent shall before passing order for issuance of NOC, verify any appeal



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is filed as against the Order of this Court in W.P.No.30897 of 2014.

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7. Accordingly, this writ petition stands disposed of. No costs.

19.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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N. SATHISH KUMAR, J.



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