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W.P.Nos.12006 and 12011 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.12006 and 12011 of 2022
and W.M.P.Nos.11427 and 11430 of 2022

- | | |
|---------------------|---|
| 1. M.Kailash Kumar | ... Petitioner in W.P.No.12006 of 2022 |
| 2. Thirisala Kumari | ... Petitioner in W.P.No.12011 of 2022 |

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1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 35.
2. The District Collector,
Coimbatore Collectorate,
No.7/1, State Bank Road,
Coimbatore – 641 018.
3. The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad,
Coimbatore – 641 012.
4. The Special Tahsildar,
Housing Schemes,
Tatabad, Sivanandha Colony,
Coimbatore – 641 012.

... Respondents in **both W.Ps**



W.P.Nos.12006 and 12011 of 2022

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the Respondents herein from interfering with the Petitioners' peaceful Possession and enjoyment of the lands in Survey Nos.845 /1A measuring an extent of 0.32 Acres; 845 /1B measuring an extent of 0.08 Acres; 845 /1C measuring an extent of 0.22 Acres; 845/1F measuring an extent of 0.52 Acres and 847/1B measuring an extent of 0.36 acres totalling 1.50 Acres out of Which $\frac{1}{2}$ undivided share measuring about 75 cents situated at Kalapatti Village, Coimbatore District except by due Process of law.

In both W.Ps

For Petitioners : Mr.R.Bharath Kumar

For R1 and R3 : Mr.V.Gunasekaran
Standing Counsel

For R2 and R4 : Mr.S.Arumugam
Standing Counsel

COMMON ORDER

These writ petitions have been filed forbearing the Respondents herein from interfering with the Petitioners' peaceful Possession and enjoyment of the lands in Survey Nos.845 /1A measuring an extent of 0.32 Acres; 845 /1B measuring an extent of 0.08 Acres; 845 /1C measuring an extent of 0.22 Acres; 845/1F measuring an extent of 0.52



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Acres and 847/1B measuring an extent of 0.36 acres totalling 1.50 Acres out of Which $\frac{1}{2}$ undivided share measuring about 75 cents situated at Kalapatti Village, Coimbatore District except by due Process of law.

2. The case of the petitioners is that the lands ad-measuring 1.60 acres comprised in Survey Nos.845 and 847 situated at Kalapatti Village, Coimbatore North Taluk, Coimbatore District were purchased by one Kuppakkal by the registered sale deed vide Document No.4743 of 1935. She died and her legal heirs had applied for No Objection Certificate from the fourth respondent to rebuild the property. By the proceedings dated 31.05.2006, the fourth respondent recorded that the subject lands were under acquisition proceedings and some of the land owners filed writ petitions challenging the acquisition proceedings and succeeded in the writ petitions. It was further stated that there was no acquisition proceedings in respect of the lands comprised in S.Nos.845 and 847 to an extent of 1.60 acres. Thereafter, they had sold part of the property in favour of one K.V.Jeyaraman by the registered sale deed dated 20.11.2006 vide Document No.8738 of 2006. In turn, the said



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K.V.Jeyaraman had sold the property in favour of one M.Nagappan by the registered sale deed dated 10.01.2007 vide Document No.231 of 2007.

3. The petitioner in W.P.No.12006 of 2022 had purchased 75 cents out of 1.50 acres from the said M.Nagappan by the registered sale deed vide Document No.7186 of 2008 dated 23.10.2008. He was also issued join patta. The remaining land ad-measuring 75 cents was purchased by the petitioner in W.P.No.12011 of 2022 by the registered sale deed dated 23.10.2008 registered vide Document No.7187 of 2008. After purchase, she was also issued patta. Both the petitioners are husband and wife. While being so, the respondents attempted to disturb their peaceful possession and enjoyment of the subject property.

4. A perusal of the No Objection Certificate issued by the fourth respondent dated 31.05.2006 revealed that the fourth respondent is of the opinion that as the land owners are legally entitled to get No Objection Certificate for their lands, there is no bar in prohibiting them from issuing



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No Objection Certificate and recommended for issuance of No Objection Certificate, subject to verification from the records that no acquisition proceedings are pending in respect of the lands in S.Nos.845 and 847 situated at Kalapatti Village, Coimbatore North Taluk, Coimbatore.

5. A perusal of the counter filed by the third respondent revealed that the lands comprised in S.Nos.845 and 847 are also covered under the notification issued under Section 4(1) of the Land Acquisition Act by the Special Thasildar of the Tamil Nadu Housing Board for the Neighbourhood scheme. It was also published in G.O.Ms.No.294 dated 25.02.1991. Thereafter, the enquiry was conducted under Section 5A of the Land Acquisition Act. Thereafter, the award enquiry was conducted and Award has been passed in Award No.4 of 1994. The original owners of the said land were paid compensation.

6. The details of the lands owned by the original owners are as follows:-

S.F.No	Notified persons	Extent in Acres
845/1A	Arumugam	0.42



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S.F.No	Notified persons	Extent in Acres
	Subba Rao Balakrishnan All are sons of Nanjappa Gounder	
845/1B	Maragathammal w/o Doraisami Rathinam w/o Arumugam Sarasammal w/o Ganesan	0.08
845/1C	Arumugam Subba Rao Balakrishnan All are sons of Nanjappa Gounder	0.22
845/1F	Arumugam Subba Rao Balakrishnan All are sons of Nanjappa Gounder	0.52
847/1B	Arumugam Subba Rao Balakrishnan All are sons of Nanjappa Gounder	0.36
	Total	1.60

7. However, they have not appeared for any award enquiry and as such, the apportionment of compensation could not be decided and the entire amount was deposited under Section 31(2) of the Land Acquisition Act and the same was also duly informed to the land owners.

8. Though the learned counsel for the petitioners submitted that the entire land acquisition proceedings were quashed by this Court and confirmed by the Hon'ble Division Bench of this Court, no Judgment is produced before this Court to confirm that the acquisition of the subject



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lands were quashed by this Court. Therefore, the direction sought for in this writ petition cannot be considered and the writ petitions are devoid of merits and are liable to be dismissed. However, if any steps taken by the respondents 3 and 4 in order to develop the subject property which were purchased by the petitioners, the respondents 3 and 4 are directed to follow in due process of law.

9. Accordingly, these writ petitions are dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

28.06.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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Nandanam,
Chennai – 35.
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