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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.20178 of 2024

R.Bharath

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Housing Board,
Chennai – 600092.

2.The Executive Engineer,
Tamil Nadu Housing Board,
Salem – 8

3.The Sub-Registrar,
Office of the Sub-Registrar,
Salem.

4. The Managing Director
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai.

(R4 impleaded suo motu vide this order)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to issue a No Objection Certificate with respect to petitioner property measuring to an extent of 2000 sq.ft. Comprised in S.No.88/2, Mitta Ayyamperumalpatti village,



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Salem Taluk and District and consequently direct the 3rd respondent herein to register the same when the document is presented before him.

For Petitioner : Mr.M.Santhanaraman
For Respondents : Mr.Pradeep Raja (R1 and R2)
for Mr.D.Veerasekaran
Mr.Stalin Abhimanyu (R3)
Additional Government Pleader

ORDER

Mr.Pradeep Raja, learned counsel on behalf of Mr.D.Veerasekaran, learned counsel accepts notice for R1 and R2 and Mr.Stalin Abhimanyu, learned Additional Government Pleader accepts notice for R3. They are armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to the owner of a property to an extent of 2000 sq.ft. in S.No.88/2, Mitta Ayyamperumalpatti village, Salem Taluk and District ('property'/'property in question'). At paragraphs 2 and 3 of the writ affidavit, he claims title to the property and also the basis on which he claims absolute ownership of the same.

3. While so, when he attempted to sell the property, he has been informed by R3, being the Sub Registrar (West), Salem that he has to obtain No Objection Certificate (NOC) from the Executive Engineer, Tamil Nadu Housing



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Board/R2 as the property was proposed to be acquired for the use of the Tamil Nadu Housing Board.

4. He claims to have sent a representation on 22.12.2023 to R2 seeking NOC, which has not found favour of attention thus far. Hence, this Writ Petition seeking mandamus directing R2 to issue NOC with respect to the property in question.

5. Mr.Pradeep states that he is not aware whether the representation has been received by R2, as no acknowledgement card is placed on file. This is so. R3 would disavow any role in this matter, as, according to him, the prayer is directed as against R2 only.

6. Since the appropriate authority to consider this prayer is, according to learned panel counsel, the Managing Director, Tamil Nadu Housing Board, who is not a party to this Writ Petition, the Managing Director, Tamil Nadu Housing Board, CMDA Complex, E & C, Market Road, Koyambedu, Chennai is impleaded suo motu as R4 in this Writ Petition and Mr.Pradeep Raja, learned counsel on behalf of Mr.D.Veerasekaran, learned counsel accepts notice for the newly impleaded R4 as well.

7. In light of the aforesaid, it would suffice to permit the petitioner to appear before R4 on Wednesday, the 31st of July, 2024 at 12.00 noon without awaiting any further notice in this regard along with a copy of representation



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dated 22.12.2023 as well as a copy of this order. The convenience and availability of R4 to grant audience to the petitioner and hear him has also been ascertained.

8. Let the petitioner be heard on the stated date and time, representation considered and orders passed by R4 within a period of four (4) weeks from date of personal hearing, i.e., on or before 30.08.2024, in accordance with law and all extant Rules and Regulations.

9. This Writ Petition is disposed as above. No costs.

23.07.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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Note: Registry is directed to make necessary amendments in the cause title.

To

1. The Chairman,
Tamil Nadu Housing Board,
Chennai – 600092.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Salem – 8

3. The Sub-Registrar,
Office of the Sub-Registrar,



Salem.



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4. The Managing Director
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai.



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Dr.ANITA SUMANTH,J.

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