



WEB COPY



W.P.No.24293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24293 of 2024

K.Vijayalakshmi

...Petitioner

Vs.

1.The District Collector
Coimbatore District, Coimbatore.

2.The Special Tahsildar (Land Acquisition)
Adi Dravidar and Tribal Welfare
Coimbatore.

3.The Tahsildar
Coimbatore North Taluk
Kalapatti, Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents pertaining to the impugned order of the second respondent in Na.Ka.No.132/2000/A, dated 07.05.2024 and quash the same and consequently direct the respondents herein to quash the same and consequently direct the respondents herein to forthwith issue No Objection Certificates (நல



W.P.No.24293 of 2024

ஆர்ஜித நடவடிக்கை ஏதும் இல்லை எனும் தடையில்லாச் சான்று) in respect of the land of the petitioner to an extent of 25 cents in S.No.1140/6 of Kalapatti Village, Coimbatore Taluk & District.

For Petitioner : Mr.K.Duraisamy
Senior Counsel
for Mr.Muthumani Duraisamy
Mr.Kandhan Duraisamy

For Respondents : Mr.P.Sathis for R1 to R3
Additional Government Pleader

ORDER

Aggrieved by the order passed by the second respondent denying request for grant of "No Objection Certificate" to the petitioner on the ground that the subject property was acquired for providing free house site to the depressed class, the petitioner has come by way of this Writ Petition.

2. According to the petitioner, she purchased 25 cents of land in S.No.1140/6 with an extent of 0.41.0 hectare of Kalapatti Village, Coimbatore Taluk & District, under a registered sale deed bearing Doc.No.849 of 1999 on the file of SRO, Gandhipuram. The above said land was acquired by the Government for providing free house site to the persons belonging to Schedule Caste by issuing notification on 05.07.2000. The petitioner herein filed a Writ



W.P.No.24293 of 2024

Petition in W.P.No.19888 of 2000 challenging the acquisition notification and the said Writ Petition was allowed and notification for acquisition proceedings was quashed by the order dated 28.08.2014.

3. Though the acquisition proceedings were quashed by this Court, the Revenue Authorities have not taken any steps to issue patta in the name of the petitioner for the subject property. Therefore, the petitioner submitted a representation before the second respondent seeking "No Objection Certificate" from him on the strength of the order passed by this Court. Since no order is passed on the representation of the petitioner, he again filed a Writ Petition seeking a direction to the respondents in W.P.No.17167 of 2022. This Court by the order dated 07.07.2022 directed the respondents to consider the representation of the petitioner seeking "No Objection Certificate" and pass final orders, within a period of six weeks thereafter. The impugned order was passed by the second respondent rejecting the request for grant of "No Objection Certificate" mainly on the ground that the subject property was acquired for providing free house site to the people belonging to depressed class.



W.P.No.24293 of 2024

4. Even in the impugned order, the second respondent clearly observed that acquisition notification issued for acquiring the land of the petitioner was quashed by this Court in W.P.No.19888 of 2000. In such circumstances, the impugned order passed by the second respondent that the subject property was acquired for providing free house site to the persons belonging to the Schedule Caste is not at all sustainable, since the acquisition proceedings have already been quashed by this Court.

5. Accordingly, the impugned order is set aside and the Writ Petition stands allowed. The second respondent is directed to issue "No Objection Certificate" to the petitioner in the light of the order passed by this Court in W.P.No.19888 of 2000, within a period of four weeks from the date of receipt of copy of this order. No costs.

06.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



W.P.No.24293 of 2024

To
WEB COPY

- 1.The District Collector
Coimbatore District, Coimbatore.
- 2.The Special Tahsildar (Land Acquisition)
Adi Dravidar and Tribal Welfare
Coimbatore.
- 3.The Tahsildar
Coimbatore North Taluk
Kalapatti, Coimbatore.



WEB COPY



W.P.No.24293 of 2024

S.SOUNTHAR, J.
dna

W.P No.24293 of 2024

06.09.2024