



WEB COPY



W.P.No.26275 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

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

W.P.No.26275 of 2021

N.G.Arumugam

...Petitioner

-Vs-

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 01.
2. The Assistant Town Planning Officer,
City Municipal Corporation – West Zone,
Coimbatore – 02.
3. The Special Tahsildar (L.A),
The Tamil Nadu Housing Board,
TATABAD, Coimbatore – 12.
4. The Managing Director,
The Tamil Nadu Housing Board,
Annasalai, Nandanam,
Chennai – 600 035.
5. The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
TATABAD, Coimbatore-12.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 herein to accept the plan approval & building license application of the



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petitioner for Plot No.109, in Tms Rasayoga Nagar [LP/R(CN)No. 109/1981], situated in survey No.54, at Veerakeralam Village, Perur Taluk, Coimbatore and consequently direct the respondents 1 & 2 to grant plan approval and building license to the petitioner without insisting no objection certificate from the third respondent/Tamil Nadu Housing Board.

For Petitioner : Mr.B.Kumarasamy

For Respondents

For R1 & R2 : Mr.K.Magesh
Standing Counsel

For R3 : Mr.V.Manoharan
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents 1 & 2 herein to accept the plan approval & building license application of the petitioner and to grant plan approval and building license to the petitioner without insisting no objection certificate from the third respondent/Tamil Nadu Housing Board.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. In similar matter, this Court already passed order dated



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23.09.2021 in **W.P.No.8324 of 2021** in the case of **Yamunarani & anr**

WEB COPY **Vs. The Commissioner, Coimbatore & ors.**, and the relevant portion is extracted hereunder :-

“4. In the considered view of this Court, the acquisition proceedings itself came to be quashed and it was also confirmed in the writ appeal. Therefore, it does not really matter if the housing board was a party to those proceedings.

5. In view of the above, this Court is inclined to grant the relief as sought for by the petitioners”

In the present case also, the petitioner and other land owners challenged the acquisition proceeding and the same was quashed. The said order also confirmed in the writ appeals filed by the Government of Tamil Nadu.

4. Considering the above facts and circumstances, there shall be a direction to the first and second respondents to scrutinize the application submitted by the petitioner for planning approval and building license and deal with the same without insisting for a no objection certificate from the Tamil Nadu Housing Board and take an appropriate decision, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this Order.



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5. With the above directions, the Writ Petition stands disposed

of. There shall be no order as to costs.

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Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts



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