



WEB COPY



W.P.No.26809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26809 of 2024

1.Visalatchi

2.S.Dinesh Kumar

3.S.Sriya Nandhini

... Petitioners

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 is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondents, pertaining to the Impugned Order of the 2nd Respondent in



W.P.No.26809 of 2024

Na.Ka.132/2000/A, dated 28.06.2024 and quash the same and consequently direct the Respondents herein to forthwith issue No Objection Certificates (நில ஆர்ஜித நடவடிக்கை ஏதும் இல்லை எனும் தடையில்லாச் சான்று) in respect of the Land of the Petitioners to an extent of 1.90 Acres in S.No.1125/4 of Kalapatti Village, Coimbatore Taluk and District.

For Petitioners : Mr.K.Duraisamy
Senior Advocate
for M/s.Kandhan Duraisamy

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

Aggrieved by the order passed by the 2nd respondent denying request for grant of "No Objection Certificates" to the petitioners on the ground that the subject property was acquired for providing free house site to the depressed class, the petitioners have come by way of this Writ Petition.

2. According to the petitioners, one M.Santhappan and his brother Marudhachalam purchased 1.90 acres of land in S.No.1125/4 situated at Kalapatti Village, Coimbatore Taluk and District, under a registered Sale



W.P.No.26809 of 2024

Deed bearing Document No.4492 of 1997 on the file of SRO, Gandhipuram.

From the date of purchase, the petitioners had been enjoying the same as absolute owners of the said property. The above said land was acquired by the Government for providing free house site to the persons belonging to Schedule Caste by issuing Notification under Section 4(1) of the Tamil Nadu Act 31/1978 in Ref.No.938/2000, dated 05.07.2000. The husband of the 1st petitioner namely M.Santhappan filed a Writ Petition in W.P.No.19696 of 2000 before this Court 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 petitioners for the subject property. Therefore, the husband of the 1st petitioner-M.Santhappan submitted a detailed representation dated 22.11.2021 before the 1st respondent seeking "No Objection Certificate" from him on the strength of the order passed by this Court. The said representation has not been considered by the 1st respondent. Thereafter, the husband of the 1st petitioner-M.Santhappan submitted another representation



W.P.No.26809 of 2024

dated 04.04.2022 to the respondents seeking 'No Objection Certificate'.

Since no order is passed on the representation of the 1st petitioner's husband, he again filed a Writ Petition seeking a direction to the respondents in W.P.No.17165 of 2022. This Court by the order dated 07.07.2022 directed the respondents to consider the representation of the 1st petitioner's husband seeking "No Objection Certificate" and pass final orders, within a period of six weeks thereafter. The impugned order was passed by the 2nd 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.

4. Even in the impugned order, the 2nd respondent clearly observed that acquisition notification issued for acquiring the land of the petitioners was quashed by this Court in W.P.No.19696 of 2000. In such circumstances, the impugned order passed by the 2nd 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.



W.P.No.26809 of 2024

5. Accordingly, the impugned order is set aside and the Writ Petition stands allowed. The 2nd respondent is directed to issue "No Objection Certificate" to the petitioners in the light of the order passed by this Court in W.P.No.19696 of 2000, dated 28.08.2014, within a period of four weeks from the date of receipt of copy of this order. No costs.

12.09.2024
(3/3)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

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.26809 of 2024

S.SOUNTHAR, J.

dm

W.P.No.26809 of 2024

12.09.2024
(3/3)