



W.P.No.35574 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2024

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.35574 of 2019

Kanmoni Solomon

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by the Secretary to Government,
Housing and Urban Development Department,
Chennai 600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

3.Secretary,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

4.The Special Tahsildar,
(Land Acquisition),
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

5.The Executive Engineer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Mogapair, Chennai.

6.The Surveyor,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Mogapair, Chennai.

...Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue NOC for the plot no.192 and plot no.202 situated at 101, Chowdary Nagar Layout, Valasaravakkam Village, in S.F.no.165/3, part, in favour of the petitioner to obtain patta which is pending before him.

For Petitioner : Mr.Praveen Alexander

For Respondents : Mr.P.Satish, AGP for R1
Mr.M.Baskar for R2 to R4
Mr.A.M.Ravindranath Jeyapal for R5

ORDER

This Writ Petition has been filed for issuance of Mandamus directing the 2nd respondent to issue NOC for the plot nos.192 and plot no.202, situated at 101, Chowdary Nagar Layout, Valasaravakkam Village, in S.F.no.165/3, part, in favour of the petitioner.

2. It is averred in the Writ Petition that the petitioner is the widow of a distinguished dentist and she has been diagnosed with Cancer and undergoing medical treatment. The petitioner's husband had purchased plots of land comprised in plot nos.192 and plot no.202 situated at 101, Chowdary Nagar Layout, Valasaravakkam Village, in S.F.no.165/3, part, on 02.03.1988, for a valuable consideration from Venkanna Chowdary Charities by virtue of two Sale Deeds both dated 04.03.1988. While so,



the 1st respondent issued notification under Section 4(1) of the Land Acquisition Act, 1894, in G.O.Ms.No.136, Housing Department dated 14.05.1975, for formation of New Ramapuram Neighborhood Scheme and the above notification was challenged by the said Venkanna Chowdary Charities in W.P.No.3693 of 1986 and this Court by order dated 18.10.1992, quashed the said notification. The respondents preferred an appeal in W.A.No.662/1994 along with other batch of writ appeals. This Court by a common order dated 25.01.1995, confirmed the order of the single Judge and dismissed the writ appeals. Thereafter, the petitioner sent a representation to the 2nd respondent for issuance of No Objection Certificate to transfer the patta of her property in S.F.No.165/3, which did not yield any result. Hence, the petitioner is before this Court for issuance of NOC.

3. The learned counsel appearing for the petitioner would state that the legal opinion was also sought by the petitioner and it was furnished to the 2nd respondent. The petitioner who is suffering from Cancer, is on the verge of her life on Earth.



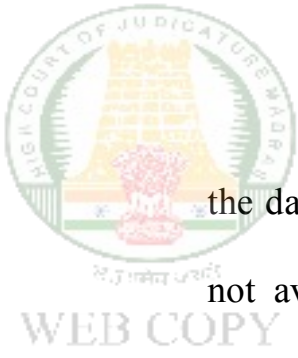
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4. When the matter came up for admission on 28.01.2020, the Nodal Officer who representing the 1st respondent was present and the learned counsel who had taken notice for the respondents 2 to 6 stated that there may not be any necessity for filing counter affidavit and this Court has granted time to the respondents to get instructions and posted the matter on 13.02.2020.

5. Thereafter, when the matter came up on 25.02.2020, it was stated by the learned Standing Counsel for the respondents that the land was reverted back to the original owner and the petitioner has received No Objection Certificate two years back from the respondents and therefore, this Court had directed the respondents to file counter affidavit. Till date no counter affidavit has been filed.

6. Heard both sides.

7. Taking into consideration the fact that the petitioner is suffering from Cancer and she is on the verge of death, the respondents are directed to re-issue a copy of No Objection Certificate which is said to have been given to the petitioner 2 years before, within a period of four weeks from



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the date of receipt of a copy of this order. If the copy of the said NOC is not available with the respondents, fresh NOC shall be issued to the petitioner within that stipulated time period.

8. This Writ Petition is disposed of with the above directions. No costs.

21.02.2024

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To
Secretary to Government,
Housing and Urban Development Department,
Chennai 600 009.

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Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.

3. Secretary,
Tamil Nadu Housing Board,
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J.NISHA BANU, J.

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