



W.P(MD)No.14401 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.14401 of 2023

C.Arun Chellappan

... Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Government,
Fort. St. George,
Chennai.

2. The District Collector,
Collectorate,
Nagarkovil, K.K.District.

3. The Revenue Divisional Officer,
Collectorate, Nagarkovil,
Kanyakumari District.

4. The Executive Engineer,
Tamil Nadu Housing Board,
Sivanthipatti Road,
Tiruneveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents to



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issue No Due Certificate for Housing property in Re-Survey No.3/7-13A, land measuring 7 cents, Re-Survey No. 3/7-12, land measuring 10 cents in Thatanvillai, Agastheeswaram Taluk, Nagercovil South Village, K.K.District.

For Petitioner : Mr.G.M.Xavier

For R1 to R3 : Mr.A.Kannan

Additional Government Pleader

For R4 : Mr.S.Velmurugan

ORDER

Heard both sides.

2.The petitioner purchased the petition mentioned property vide sale deed, dated 27.01.2016. The petitioner now wants to sell the property. Since the property was covered under acquisition proceedings unless the petitioner is issued with no due certificate by the second respondent, he can't conclude the transaction.



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3.The petitioner points out that the land was sought to be acquired under G.O.Ms.No1212, dated 17.09.1991, but the acquisition proceedings were quashed by the High Court in W.P.No.21479 of 1994. Aggrieved by the same, Government filed W.A.Nos.1035 to 1037 of 2003. The writ appeals were dismissed on 16.06.2006. The order of dismissal of the writ appeals has become final. No SLP was filed.

4.In the circumstances, the second respondent is obliged to issue no due certificate. The second Respondent is directed to issue no due certificate as sought for by the petitioner within a period of eight weeks, from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is allowed. No costs.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LR



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G.R.SWAMINATHAN, J.

LR

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