



WP(MD)No.22296 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.22296 of 2017

S.Rajarathinam

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai.

2.The Executive Officer,
Tirunelveli Housing Unit,
Tamil Nadu Housing Board,
Tirunelveli - 627 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to issue No objection certificate to the petitioner for the land in S.No.137/1A1 of Sakaraperi Village, Tuiticorin District within a specified time.

For Petitioner : Mr.K.A.Raamakrishnan

For Respondents: Mr.S.Velmurugan,

Standing Counsel



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ORDER

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The petitioner has purchased a land at Sankaraperi village, Thoothukudi District in S.No.137/1A1 to an extent of 7.006 cents through a registered sale deed vide document No.07 of 2002 dated 03.01.2002 and he is in possession and enjoyment of the properties.

2.The first respondent issued notification under Section 4(1) of the Land Acquisition Act to acquire the petitioner's land with other lands in G.O.Ms.Nos. 631, 607 and 628 dated 26.06.1985, 17.06.1985 and 26.06.1985 respectively. Totally 180 acres were acquired for development schemes. The said notification was challenged by other owners and this Court by order dated 25.07.1997 set aside the 4(1) notification with regard to 41.14 acres which comprises the petitioner's property also. However, in the patta, the 1st respondent / Tamil Nadu Housing Board is reflected.



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3. Based on the orders of this Court quashing 4(1) notification, the petitioner has approached the revenue officials for grant of patta for his land in S.No.137/1A1. By referring the entries in the revenue records, the revenue officials rejected the request and directed this petitioner to get no objection certificate from the respondent Housing Board and therefore this petitioner submitted a representation to the Housing Board seeking no objection certificate, however, the respondent Housing Board has not granted any no objection certificate. Therefore the petitioner has approached this Court for a writ of mandamus directing the respondents to issue no objection certificate to this petitioner for his land in S.No.136/1A1 Sakaraperi village, Thoothukudi village.

4. The learned Standing Counsel appearing for the respondent Housing Board submits that the issue is pending before the Hon'ble Supreme Court in Diary number in 40615 of 2023 and they cannot grant no objection certificate to this petitioner.



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5.The learned Counsel for the petitioner has relied on the order dated 31.08.2023 passed by a Division Bench of this Court in WP.Nos.10716 to 10718 of 1988, etc., batch dated 31.08.2023, which were filed as against the notice issued under Section 4(1) of the Land Acquisition Act. Challenging the same, the Housing Board has filed writ appeals before this Court in WA(MD)Nos.1633 to 1645 of 2016, etc., and the similar writ petitions filed by the other land owners, seeking No objection certificate from the respondent Housing Board were also tagged along with those writ appeals and a Division Bench of this Court has issued directions in WP(MD)Nos.27499 and 27500 of 2022 and 1003 and 4343 of 2023 to the Tamil Nadu Housing Board to give no objection certificate to those petitioners with respect to their lands.

6.This Court considered the rival submissions made and perused the materials placed on record.

7. The notification issued under Section 4(1) of the Land Acquisition Act was already quashed by this



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Court in the writ petitions in WP(MD)No.10716 to 10718 of 1998 and the writ appeals filed by the Tamil Nadu Housing Board were also dismissed. As against the same, though the Tamil Nadu Housing Board claims SLP is filed before the Hon'ble Supreme Court, only Diary Number is provided. The Division Bench of this Court while dismissing the writ appeals has issued directions to the Tamil Nadu Housing Board to issue no objection certificate to the similarly placed persons. As per the orders of the Division Bench of this Court, the petitioner is also entitled for the similar relief.

8.In the result the writ petition is allowed. The respondent are directed to issue no objection certificate to the petitioner. No costs.

26.02.2024

DSK



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To

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- 2.The Executive Officer,
Tirunelveli Housing Unit,
Tamil Nadu Housing Board,
Tirunelveli - 627 001.



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B . PUGALENDHI , J .

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WP (MD) No . 22296 of 2017

26.02.2024