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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3592 of 2025

S.Mohan Raj

... Petitioner

Vs.

1.The Sub Registrar,
SRO Gandhipuram,
Coimbatore, Coimbatore District.

2.The Managing Director,
Tamil Nadu Housing Board,
MTB Building, Anna Salai,
Anna Colony, nandhanam,
Chennai, Tamil Nadu 600 035.

3.The Executive Engineer & Administrative Officer,
(Coimbatore Housing Unit)
Tamil Nadu Housing Board,
Coimbatore Division,
Coimbatore District 641 012.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the refusal check slip dated 08/10/2024 issued by the 1st Respondent refusing to register the sale deed dated 18/09/2024 executed by Mrs.Vimala Rajkumar D/o. Balavendran in favour of the Petitioner in respect of the site bearing No.22 in Subadarsan Nagar



Kalappati Village, Coimbatore and comprised in Survey Nos. 821/ 2A1 of Kalappati Village, Coimbatore taluk, Coimbatore District and in all measuring an extent of 4094 Sq.ft. and situated within the Registration District of Coimbatore and Sub-registration District of Gandhipuram and to quash the same and direct the 1st respondent to register the same without insisting for No Objection Certificate from the 2nd and 3rd Respondent and for such other relief as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondents : Mr.B.Vijay
Special Government Pleader for R1

Mr.A.M.Ravindranath Jeyabal
Standing Counsel for R2 and R3

ORDER

This writ petition has been filed challenging the refusal Check Slip dated 08.10.2024 issued by the 1st respondent refusing to register the Sale Deed dated 18.09.2024 and directing the petitioner to get the No Objection Certificate from the Housing Board.

2.Heard Mr.K.R.Ramesh Kumar, learned counsel appearing on behalf of the petitioner, Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of the 1st respondent and Mr.A.M.Ravindranath Jeyabal, learned Standing counsel



appearing on behalf of respondents 2 and 3.

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3.It is seen from records that the subject property along with a larger extent of property was acquired under the Land Acquisition Act, 1894. The same became the subject matter of challenge before this Court in W.P.No.6849 of 1994. This writ petition was allowed by an order dated 24.07.2001 and the land acquisition proceedings was quashed by granting liberty to the State of Tamil Nadu to initiate fresh acquisition proceedings. Thereafter, no steps were taken for initiating fresh acquisition proceedings and the same is clear from the proceedings of the Special Tahsildar (LA) Housing, Coimbatore dated 09.02.2004. It is stated that the Government did not proceed further to initiate any fresh proceedings and therefore, the land is free from any acquisition and that no acquisition proceedings are pending.

4.In spite of the above, when the petitioner was attempting to deal with the property, the 1st respondent was insisting for obtaining No Objection Certificate from the Housing Board and accordingly, the refusal Check Slip was issued. Aggrieved by the same, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and



considering the fact that the acquisition proceeding has already been quashed by this Court and subsequently, no steps were taken to initiate any fresh proceedings which is quite evident from the proceedings of the Special Tahsildar dated 09.02.2004, there is no reason for the petitioner to obtain No Objection Certificate from the Housing Board. In view of the same, the refusal Check Slip dated 08.10.2024 is hereby quashed. There shall be a direction to the 1st respondent to entertain and register the Sale Deed without insisting for a No Objection Certificate, if it is otherwise in order.

6.In the result, this writ petition stands allowed with the above directions. No Costs.

05.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

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