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W.P.No.4853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.4853 of 2024
and WMP No.5295 of 2024

Alice Davis

.... Petitioner

-Vs-

- 1.The Principal Secretary to the Government
Tamil Nadu Housing and Urban
Development Department
Secretariat, Chennai 600 009.
- 2.The Executive Engineer/Administration Officer
(i/c) Tamil Nadu Housing Board Division
Hudco Colony, Peelamedu
Coimbatore-641 012.
- 3.The Special Tahsildar (Land Acquisition)
Housing Scheme No.1
Collectorate, Coimbatore-641 018.
- 4.The Inspector General of Registration
100, Santhome High road, Mullima Nagar
Raja Annamalai Puram
Chennai 600 028.
- 5.The Managing Director
Tamil Nadu Housing Board
CMDA Complex, E & C Market Road
Koyambedu, Chennai-600 107.

..Respondents



W.P.No.4853 of 2020

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to Letter No. 18633/ C1/ 2020 dated 28.07.2020 issued by the 4th respondent to the 6th respondent and quash the same in respect to the lands comprised in T.S.No. 161 /1A Old S.F. No. 82/1 as illegal incompetent and wholly without jurisdiction and consequently to issue appropriate directions to the respondents herein and their subordinates or anybody acting through them from in any manner seeking or demanding NOC from the second respondent in dealing with the aforesaid survey number.

For Petitioner : Mr.R.Vinayaga Vishnu

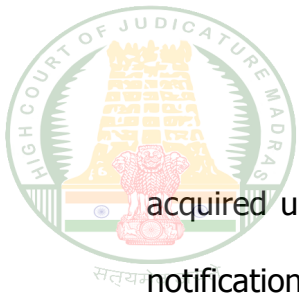
For Respondents : Mr.Karthick Jagannath
Government Advocate
R1, R3, R4, R6 & R7

Mr.V.Gunasekar
Standing Counsel
for R2 & R5

ORDER

This writ petition has been filed challenging the impugned communication dated 28.07.2020 issued by the 4th respondent to the 6th respondent and for a consequential direction to the respondents not to insist for NOC from the Housing Board for registering the documents.

2.The case of the petitioner is that she is the owner of the subject property in SF.No.82 measuring an extent of 0.45 cents. Large extent of lands was sought to be



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acquired under the Ganapathy Neighborhood Project in the year 1983. Section 4(1) notification was issued under the Land Acquisition Act, 1984 [hereinafter referred as 'the Act']. Section 6 declaration was also issued on 12.03.1986 and the award was also passed on 29.02.1986.

3.As against the acquisition proceedings WP.No.3955 of 1988 was filed by the petitioner and three others and this writ petition was allowed by an order dated 03.07.1997 and the relevant portions are extracted hereunder:

"2.Mr.Selvanayagam, learned Government Advocate appearing on behalf of the respondents fairly concedes that the legal contention put forth by Mr.K.Venkataraman, learned counsel for the petitioners that the procedure contemplated under rule 3(b) of the Land Acquisition (Tamilnadu) Rules has not been complied with before passing the impugned declaration made in G.O.Ms.No.387 dated 17.3.1986 is found to be correct. In view of the above facts, I am obliged to quash the impugned land acquisition proceedings made in G.O.Ms.No.387. However, it is open to the respondents to proceed further with the impugned acquisition proceedings if they are so advised and if it is otherwise permissible under law.

3) In the result, the writ petition is allowed in the above terms. However, there will be no order as to costs".

4.The further case of the petitioner is that the said order has become final and when the petitioner wanted to deal with the property by executing a sale deed in favour of her son, the Sub Registrar was insisting for NOC from Housing Board. It is



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under these circumstances, the impugned letter dated 28.07.2020 issued by the 4th respondent has been put to challenge in the present writ petition.

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5. When the matter was taken up for hearing, it was confirmed by both sides that the order passed by this Court in WP.No.3955 of 1988 dated 03.07.1997, has become final and no further proceedings were initiated and no appeal was filed against the said order. It is also brought to the notice of this Court that some of the other owners who also came within the same project and whose lands were acquired, approached this Court and filed WP.No.9349 & 9350 of 2018 and these writ petitions were allowed by an order dated 07.10.2021 by directing the mutation of the revenue records and issuance of patta in favour of those petitioners.

6. In the light of the above development, there is no reason to prevent the petitioner from executing the settlement deed in favour of her son and the Sub Registrar cannot insist for giving NOC from the Housing Board.

7. In the result, the impugned letter dated 28.07.2020 issued by the 4th respondent to the 6th respondent is interfered insofar as the petitioner is concerned and there shall be a direction to the 6th respondent to entertain the documents presented for registration by the petitioner, if it is otherwise in order, without insisting for NOC from the Housing Board.



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8.This Writ Petition is accordingly allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

NCS : Yes/No

KP

To

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N.ANAND VENKATESH, J.

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