



WEB COPY



W.P.No.8555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM :

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

Writ Petition No.8555 of 2022
and WMP No.8456 of 2022

1.Jayanthi

2.Suganthi

.... Petitioners

-Vs-

1.The State of Tamill Nadu
Rep.by its Secretary to Government
Housing and Urban Department
Fort. St.George
Chennai 600 009.

2.The Tamil Nadu Housing Board
Rep.by its Managing Director
331, Anna Salai, Nandanam
Chennai 600 035.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents hereinto issue no objection certificate in favour of the petitioners in respect of the lands of an extent of 20 cents in survey No.86/13A and 21 cents in survey No.86/13B, Thiruvanmaiur Village, Mylapore Triplicane Taluk, Chennai District pursuant to the letter dated 31.12.1997 in D1/13873/97 on the file of the Special Tahsildar (LA)-III, Tamil Nadu Housing Board Schemes, Chennai 600 035.



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For Petitioners : Mrs.AL.Ganthimathi
Senior Counsel

For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1

Mr.A.M.Ravindranath Jeyapal
Standing Counsel for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to issue no objection certificate in favour of the petitioners with respect to the subject properties in line with the letter dated 31.12.1997 issued by the Special Tahsildar [LA]-III, Tamil Nadu Housing Board Schemes, Nandanam, Chennai.

2.Heard Mrs.AL.Ganthimathi, learned Senior Counsel for the petitioners, Mr.P.Sathish, learned Additional Government Pleader for R1 and Mr.A.M.Ravindranath Jeyapal, learned Standing Counsel for R2.

3.The property belonging to the petitioners was acquired under the Land Acquisition Act. The acquisition was made in four phases and the lands belonging to the petitioners falls within the III phase. The lands were not put to use and it was lying vacant. It is under these circumstances, the Special Tahsildar [LA]-III through letter dated 31.12.1997 informed the Special Deputy Collector of Tamil Nadu Housing Board that the lands in question are lying scattered and isolated from other vacant



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lands and therefore no objection certificate can be given.

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4.The above proceedings was not followed up and no objection certificate was not given to the petitioners. This resulted in the filing of the suit in the year 2001 seeking for the relief of declaration to declare that the award is non-est and in-executable and for a mandatory injunction to grant no objection certificate. This decree was sustained up to the Hon'ble Supreme Court. Thereafter, when the execution proceedings commenced, this Court in CRP(NDP).No.3610 of 2018, by an order dated 22.07.2021 held that the decree is in-executable since such a suit is not maintainable. This order was also confirmed by the Hon'ble Supreme Court. Thus, for the period from 1999 to 2022, the petitioners were only prosecuting the litigation for getting no objection certificate and they failed in that attempt.

5.When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the Housing Board submitted that the petitioners can give the representation based on G.O.Ms.No.136 dated 10.10.2023, wherein a Special Committee is sought to be constituted and this Committee will go into the issue of grant of no objection certificate.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the property belonging to the petitioners is lying vacant



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without being put to use and it is located in the midst of private lands, liberty is granted to the petitioners to make necessary representation to the 2nd respondent seeking for no objection certificate. The 2nd respondent shall place the same before the Special Committee under G.O.Ms.No.136 dated 10.10.2023. A decision shall be taken by the Special Committee within a period of four months thereafter.

7.This writ petition is disposed of with the above directions. No costs.
Consequently, connected miscellaneous petition is closed.

13.02.2025

Index : Yes/No
NCS : Yes/No
KP



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To

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N.ANAND VENKATESH, J.

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