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W.P.No.11789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11789 of 2024

1.N.R.Gurusamy, M/69,
S/o N.Ramanna Gounder,
Judicial Colony, Chithode,
Erode District.

2.T.Mohankumar, M/52,
S/o N.Thangamuthu,
Rangampalayam, Erode-9.

.. Petitioners

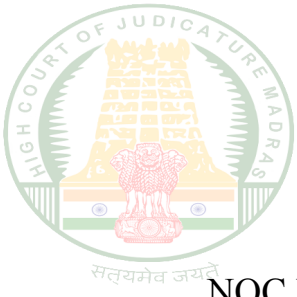
/Versus/

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

2.The Executive Engineer/Administrative Officer,
Tamil Nadu Hosuing Board,
Sampath Nagar, Eorde.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to issue



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NOC NOC in respect of the land situated in S.F.No.479/3, 480/3, 479/4 and 480/4 at Kasipalayam C-Village, (Erode E Village), Erode District so enable the petitioners to register the same before the Sub Registrar Office.

For Petitioners :Mr.C.Prakasam

For Respondents :Mr.J.Pachaiyapan for RR1 and R2

ORDER

When the matter came up for hearing, the learned counsel appearing for the petitioner submitted that in an identical writ petition with reference to the same land acquisition, this Court has passed an order, after considering the fact that the entire land acquisition proceedings were quashed.

2. The entire order that is passed on 12.03.2025 in W.P.No.8453 of 2025 is extracted hereunder for ready reference:-

“This Writ Petition is filed for a direction to the respondent Nos.1 to 3 to issue No Objection Certificate insofar as the land situated in S.No.718/3, Erode E-Village, Rangampalayam, Erode District to the extent of 0.97.0 areas.

2.The grievance of the petitioner is that earlier, when the aforementioned land was sought to be acquired for the purposes of the Housing Board for forming a housing colony, by the Secretary to the Government, Housing and Urban Development Department, the land owners, including the petitioner, challenging the Land Acquisition Proceedings in



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G.O.Ms.No.25, Housing and Urban Development Department dated 17.01.1997. The Writ Petition was allowed by the order, dated 27.07.2006 and it is essential to extract the operative portion that is contained in paragraph No.5 which reads as follow:-

“5.In such view of the matter, Section 6 declaration is vitiated. Since 4(1) notification was issued long back, such notification is also quashed and the writ petition is allowed. No costs. It is open to the appropriate authority to initiate fresh proceedings, if there is any necessity and justification”.

Thus, it can be seen that the entire Land Acquisition Proceedings have been quashed.

3.When the matter is taken up for admission, the learned counsel for the Housing Board or the learned Government Advocate is not in a position to demonstrate that any appeal is filed against the said order. Once the Land Acquisition Proceedings are quashed, thereafter the Sub-Registrar or for that matter, any other authority, cannot insist upon issuing of No Objection Certificate. The petitioner will be fully entitled to deal with the property, mutate in the records or sell or present any such document affecting the property. Once the Land Acquisition Proceedings are quashed by this Court, thereafter, the Housing Board or for that matter, any other authority need not issue any No Objection Certificate in respect thereof.

4.Therefore, by recording the same that no authority can insist upon any No Objection Certificate for any purpose from the Housing Board or from any Government authority for the fact that the matter was subject to acquisition, this Writ Petition stands disposed of. There shall be no order as to costs.”

3. This Writ Petition is disposed of on the same terms. No costs.



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Neutral citation:no

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To

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D.BHARATHA CHAKRAVARTHY,J.

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