



W.P.Nos.13716 & 13721 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.13716 & 13721 of 2019

and

W.M.P.Nos.13782, 13785 & 13789 of 2019

R.P.Shanmugam

..... Petitioner in both W.Ps

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Housing and
Urban Development Department,
Fort st. George, Chennai-9

2.The Chairman and Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai-35

3.The Special Tahsildar
Land Acquisition,
Tamil Nadu Housing Board,
Nandanam,
Arignar Anna Shopping complex,
Tirumangalm, Chennai - 101

..... Respondents in both W.Ps

Prayer in W.P.No.13716/2019: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for records relating to the land Acquisition proceedings i.e. 4(1) Notification contained in G.O.(Ms) No.978, Housing and Urban Development Dept dated 17.08.1990 and



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consequential 6 Declaration in G.O.Ms.No.1306 of 91 dated 28.09.91 on the file of the 1st respondent in so far as it relates to the land bearing plot No.25, Golden Avenue, to an extent 2400 sq.ft comprised in S.No.322 situated in Old No.155, Keelkattalai Village, (New No.17, Madipakkam Part II) Tambaram Taluk, Kancheepuram District measuring an extent of 2400 sq.ft and quash the same and further direct the respondents to release the above said lands from the acquisition proceedings.

Prayer in W.P.No.13721/2019: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Declaration to declare that the petitioner is a bonafide purchaser of plot No.25, Golden Avenue, to an extent 2400 sq.ft comprised in S.No.322 situated in Old No.155, Keelkattalai Village, (New No.17, Madipakkam Part II) Tambaram Taluk, Kancheepuram District by virtue of the actions committed by the Governmental authorities, the State Government is estopped from contending that the petitioner is not the owner of the plot No.25, Golden Avenue, to an extent 2400 sq.ft comprised in S.No.322 situated in Old No.155, Keelkattalai Village, (New No.17, Madipakkam Part II) Tambaram Taluk, Kancheepuram District of the same and consequently direct the 2nd respondent to grant NOC for additional construction sought for by the Writ Petitioner vide application No. S No.322 dated 16.05.2018.

For Petitioner in both W.Ps	: Mr.R.Gopinath for M/s.Mcgan Law Firm
For R1 & R3 in both W.Ps	: Mr.G.Velu, Addl.Govt.Pleader
For R2 in both W.Ps	: Mr.A.M.Ravindranath Jeyapal Standing Counsel

COMMON ORDER



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W.P.No.13716 of 2019 has been filed challenging the

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Notification issued under Section 4(1) of the Land Acquisition Act, 1894 published in G.O.(Ms) No.978, Housing and Urban Development Department, dated 17.08.1990 and the consequential Section 6 Declaration in G.O.Ms.No.1306 of 1991 dated 28.09.1991 on the file of the first respondent insofar as it relates to the land comprised in Suvery No.322 admeasuring 2400 sq.ft. situated at Old No.155, Keelkattalai Village, (New No.17, Madipakkam Part II), Tambaram Taluk, Kancheepuram District.

2. W.P.No.13721 of 2019 has been filed seeking a declaration that the petitioner is a bonafide purchaser of Plot No.25, Golden Avenue, measuring 2400 sq.ft, comprised in S.No.322, situated in Old No.155, Keelkattalai Village, (New No.17, Madipakkam Part II) Tambaram Taluk, Kancheepuram District, by virtue of the actions committed by the Governmental authorities, the State Government is estopped from denying his ownership over the subject property. Consequently, the petitioner seeks a direction to the second respondent to grant a No Objection Certificate for additional construction sought for by him, pursuant to his application dated 16.05.2018.



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3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The petitioner purchased the subject property comprised in Suvery No.322, admeasuring 2400 sq.ft., situated at Old No.155, Keelkattalai Village, (New No.17, Madipakkam Part II), Tambaram Taluk, Kancheepuram District, from the original land owners, viz., K.Thulasi and T.Jagada, under a registered sale deed dated 11.04.2005 vide document No.1723 of 2005. Even prior to the purchase of the subject land, the subject land, along with other lands, had already been notified for acquisition under Section 4(1) of the Land Acquisition Act, 1894 vide G.O.(Ms) No.978, Housing and Urban Development Department, dated 17.08.1990.

5. The entire land acquisition proceedings were challenged before this Court in W.P.No.22572 of 2008. This Court, by an order dated 07.11.2008, quashed the acquisition proceedings and the same was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.1072 of 2011 dated 29.07.2021. Thereafter, the petitioner was



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permitted to put up construction in the subject land. Upon completion of construction, now the petitioner is in possession and enjoyment of the property. In order to put up additional construction, the petitioner approached the concerned authority and he was directed to obtain a No Objection Certificate from the respondents. Therefore, the petitioner has once again challenged the very same acquisition proceedings.

6. In view of the above fact that the entire land acquisition proceedings have already been quashed by this Court and the same was confirmed by the Hon'ble Division Bench of this Court. The petitioner is declared as bona fide purchaser of the subject property and the respondents are estopped from contending that the petitioner shall have to obtain a No Objection Certificate from the second respondent for putting up additional construction. The petitioner, having been declared the owner of the subject property, did not seek any No Objection Certificate from the respondents to put up any construction, since the acquisition proceedings have already been set aside.

7. In view of the above, 4(1) Notification and Section 6 Declaration on the file of the first respondent cannot be sustained and are liable to be set aside. Accordingly, it is hereby set aside and these writ petitions are allowed. Consequently, connected miscellaneous petitions



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are closed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1.The Secretary to Housing and
Urban Development Department,
The State of Tamil Nadu
Fort st. George, Chennai-9

2.The Chairman and Managing Director
Tamil Nadu Housing Board,
Nandanam, Chennai-35

3.The Special Tahsildar
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G.K.ILANTHIRAIYAN. J.

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