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W.P.No.15362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.15362 of 2025

1. K.SOMASUNDARAM
- 2 S PALANISAMY
- 3 B.V.L. RAVI
- 4 MOHANASELVAN M.S.P.

...Petitioners

Vs.

- 1 TAMIL NADU HOUSING BOARD
REP BY ITS DISTRICT REVENUE OFFICER (SCHEME)
CMDA CAMPUS, E AND C MARKET ROAD
KOYAMBEDU CHENNAI
- 2 THE MANAGING DIRECTOR
TAMILNADU HOUSING BOARD, CMDA CAMPUS
E AND C MARKET ROAD, KOYAMBEDU, CHENNAI.
- 3 THE EXECUTIVE ENGINEER AND ADMINISTRATIVE OFFICER
TAMILNADU HOUSING BOARD
COIMBATORE, HOUSING BOARD UNIT,
TATABAD, COIMBATORE-12.
- 4 THE SPECIAL TAHSILDAR
(LAND ACQUISITION) HOUSING SCHEME UNIT No.II,
COIMBATORE District.

...Respondents



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Prayer

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Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records relating to the impugned order in letter No.Ni.A5/11427/2024 dated 18.10.2024 on the file of the 1st respondent and to quash the same and to direct the respondents to forthwith issue no objection certificate in respect of land to an extent of 2.17.07 acres in S.No.964/8 of Kalapatti village Coimbatore north taluk Coimbatore District either that the subject land is not covered under any acquisition proceedings or the petitioners are entitled to deal with their properties in S.F No.964/8, to the extent of 2.17.07 acres of Kalapatti Village Coimbatore north Taluk Coimbatore District.

For Petitioners : Mr.V.Elangovan
For Respondents 1 to 3 : Mr.V.Gunasekar
Standing Counsel
For Respondent-4 : Mrs.S.Indhu Bala
Additional Government Pleader

Order

With consent, the main Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition is filed by the petitioners seeking to quash the order passed by the first respondent dated 18.10.2024 and consequently, to

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direct the respondents to issue NOC in respect of their land comprised in S.No.964/8, situated at Kalapatti Village, Coimbatore North Taluk, Coimbatore District.

3. Learned counsel for the petitioner would submit that the entire acquisition proceedings initiated by the Land Acquisition Officer, in respect of the lands comprised in S.No.964, measuring to an extent of 2.17.07 acres situated at Kalpatti Village was lapsed and this Court also in W.P.No.30897 of 2014, held that the entire acquisition proceedings initiated as against the petitioner therein was lapsed in terms of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and allowed the said Writ Petition vide order dated 07.04.2022; however, when the petitioners herein made representations seeking for issuance of NOC, the first respondent by virtue of an order dated 18.10.2024 refused to grant NOC and challenging the said order dated 18.10.2024, the present Writ Petition is filed.



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3.1 It is the main contention of the learned counsel for the petitioner

once the land acquisition proceedings become lapsed in terms of the New Act, viz., Act 30 of 2013, the respondents have no right over the entire extent of property comprised in S.No.964, and therefore, sought for setting aside the impugned order and to direct the respondents to issue NOC, since, unless and until, NOC is issued, the petitioner cannot proceed with further development of their lands, since, while applying for planning approval/building plan approval, etc. the Authorities would insist for NOC in respect of the property.

4. The learned Standing Counsel for the respondents 1 to 3 fairly submitted that, since the entire acquisition proceedings in respect of the lands comprised in S.No.964 stands quashed by this Court in W.P.No.30897 of 2014 dated 07.04.2022, due to lapse in terms of the New Act, (Act 30 of 2013), the impugned order passed by the first respondent dated 18.10.2024 may be set aside and a direction be issued for issuance of NOC to the petitioners, however, requested this Court to grant reasonable time for complying with such direction.



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5. Heard Mr.V.Elangovan learned counsel for the petitioner,

Mr.V.Gunasekar, learned Standing Counsel for respondents 1 to 3 and Mrs.S.Indhu Bala, learned Additional Government Pleader, for respondent No.4 and perused the materials available on records.

6. The property comprised in S.No.964, measuring an extent of 2.71.07 hectares situated at Kalapatti Village, Coimbatore North Taluk, Coimbatore District was subject matter of acquisition proceedings in terms of the Notification issued under Section 4(1) of the Land Acquisition Act, 1984 for the purpose of construction of Houses under Neighbourhood Scheme. However, when the landowners filed a Writ Petition in W.P.No.30897 of 2014 challenging the said acquisition proceedings, this Court vide order dated 07.04.2022, clearly held that acquisition proceedings were lapsed in terms of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013). Therefore, placing reliance on the decision rendered by this Court, the petitioners herein have made a representation seeking for issuance of NOC. However, the first respondent by virtue of the impugned



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order dated 18.10.2024 rejected such request by stating that since the Appeal filed against the order passed by the Court in W.P.No.30897 of 2014 dated 07.04.2022 is still pending, the request made by the petitioners cannot be acceded to. Hence, the present Writ Petition.

6.1 When the matter is taken up for hearing today, learned counsel for the petitioner has drawn this Court's attention to various orders passed by this Court in Writ Petitions filed by the landowners, whose lands were subject matter of the land acquisition proceedings comprised in S.No.964 and one such Writ Petition, being W.P.No.30897 of 20214 and submitted in gist and kernel that when the facts remains that the entire land acquisition proceedings initiated in respect of the land comprised in S.No.964 itself was held to be lapsed in terms of the New Act, viz., Act 30 of 2013, vide order dated 07.04.2022, the respondents have no right, whatsoever, over the entire extent of property comprised in S.No.964 and that, since the subject lands of the petitioners also falls within the said extent of S.No.964/8, there is no impediment for the respondents to issue NOC. The learned counsel further expressed the grievance of the petitioners that, unless and until, NOC is



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issued, the petitioners cannot proceed with further development of their lands, since, in case, the petitioners intends to put up any construction in the said lands, and applies for planning approval/building plan approval, etc. the Authorities would insists for NOC in respect of the property.

6.2 Thus, this Court taking into consideration of the submission made by the learned counsel for the petitioner and the fair submission made by the learned Government Advocate for respondents 1 to 3, which is to the extent that since this Court, in a Writ Petition filed by the similarly placed landowner, viz., in W.P.No.30897 of 2014 vide order dated 07.04.2022 allowed the Writ Petition, whereby and whereupon, it is clearly held that the entire acquisition proceedings initiated by the Land Acquisition Officer as lapsed in terms of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), the prayer sought for the petitioner may be considered and a direction be issued to the respondents to issue NOC and, requested this Court to grant some reasonable time, this Court is of the view that the impugned order passed by the first respondent is untenable.



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6.3 Accordingly, this Court is inclined to pass the following orders:-

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i) The impugned order passed by the first respondent dated 18.10.2024 is quashed.

ii) Consequently, the first respondent is directed to issue NOC in respect of the petitioners' land within a period of eight weeks from the date of receipt of a copy of this order.

7. In the result, the Writ Petition is allowed on the aforesaid terms.

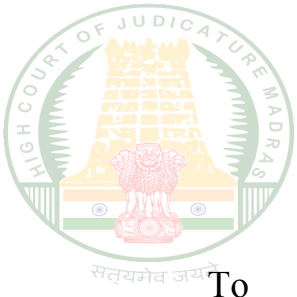
No costs.

08.10.2025

sd

Index : yes/no

Neutral Citation : yes/no



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To
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Krishnan Ramasamy,J.,

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