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W.P.No.24574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.24574 of 2024
and W.M.P.No.26890 of 2024

L.Narayana Reddy

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai – 600 035.

2.The Special Tahsildar (L.A)
Tamil Nadu Housing Board,
Bagalur Road,
Hosur – 635 109
Krishnagiri District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Letter No.LA spl-2/12883/2015 dated 29.8.2018 issued by the 1st respondent, quash the same and direct the respondents to issue NOC to the petitioner with respect to his land measuring 0.40.5 hectare comprised in S.No.930/2B Hosur village and Taluk Krishnagiri district within the time that may be fixed by this Court.



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For Petitioner : Mr.P.Mani
For Respondents : Mr.S.Ramachandran for R1
Mr.A.Selvendran (For R2)
Special Government Pleader

ORDER

The present Writ Petition has been filed to call for the records relating to the impugned Letter No.LA spl-2/12883/2015 dated 29.8.2018 issued by the 1st respondent, quash the same and direct the respondents to issue NOC to the petitioner with respect to his land measuring 0.40.5 hectare comprised in S.No.930/2B Hosur village and Taluk Krishnagiri district within the time that may be fixed by this Court.

2.It is the case of the petitioner that he is the absolute owner of the land measuring 0.40.5 hectares comprised in S.No.930/2B, Hosur Village and Taluk, Krishnagiri District. The Government of Tamil Nadu had initiated proceedings under the Land Acquisition Act, 1894, for quashing the lands of the petitioner and others for the purpose of a housing scheme at Hosur. These proceedings were challenged before this Court in W.P.No.18937 of 1993 and adjacent land owners had also challenged the same by filing W.P.No.18935, 18936, 18938 and 18939 of 1993. All the Writ Petitions were jointly heard and the Court was pleased to allow the



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Writ Petition quashing the land acquisition proceedings. Thereafter, the petitioner had submitted a representation on 15.05.2015 to the second respondent to issue NOC in respect of his land measuring 0.40.5 hectares in S.No.930/2B. The request was not considered. The petitioner had filed W.P.No.21878 of 2015 seeking direction to the respondents to issue a NOC and a direction was also issued by orders of this Court dated 22.07.2015. The petitioner was asked to remit certain charges which is also remitted.

3.The petitioner would submit that an adjacent land owner M.Vivekanandan had requested the NOC which was not granted and challenged the same he had filed W.P.No.33490 of 2016. By order dated 23.09.2016, this Court had directed the respondents to consider the representation and issue NOC. The first respondent had complied with direction and issued NOC. However, the same has not been applied to the petitioner. The petitioner's request for grant of NOC was turned down by the impugned order dated 29.08.2018 on the ground that land acquisition proceedings in respect of his land is remains intact and has not been quashed. Challenging the same, the petitioner is before this Court.



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4.Heard Mr.P.Mani, the learned counsel for the petitioner, Mr.S.Ramachandran, the learned counsel for R1 and Mr.A.Selvendran, the learned Special Government Pleader for R2.

5.The ground on which the impugned order has been passed is that the land acquisition proceedings is subsisting in respect of the petitioner's land comprised in S.No.930/2B. The petitioner had challenged the acquisition proceedings by filing W.P.No.18937 of 1993, this Writ Petition was taken up for consideration along with other Writ Petitions and by an order dated 14.08.2000, this Court was pleased to observe as follows:-

4.As represented by the Government Advocate admittedly, the orders had been passed by the second respondent on the date on which SA enquiry had been held on 04.12.1991 in respect of W.P.No.18935/93, on 11.03.1992 in respect of W.P.Nos.18936 & 18937/93 and on 11.03.1992 in respect of W.P.No.18938/93 rejecting the objections for the acquisition proceedings given by the petitioners. The relevant rules referred to above would clearly show that the authority concerned, after receiving the objections from the persons interested, within the time



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prescribed, shall give notice to the objectors as well as to the Department acquiring the land, namely, the Housing Board by forwarding the copy to such department or company and on the date fixed for enquiry, the authority concerned shall hear the objections of the petitioners and record evidence that may be produced in support of the objections.

5.It is settled law that once the mandatory requirements have not been followed, the proceedings cannot be hold to be valid. Accordingly, the Writ Petitions are allowed and the impugned proceedings are quashed. No costs.

6. Therefore, it is evident that acquisition proceedings have been quashed in respect of the petitioner's land and the premise under which the impugned order has been passed is misconceived. Therefore, the Writ Petition is allowed. The respondents are directed to issue NOC to the petitioner with respect to his land measuring 0.40.5 hectare comprised in S.No.930/2B Hosur, Krishnagiri district, within a period of two weeks from the date of receipt of copy of this order.



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WEB COPY 7. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To

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