

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.10209 of 2015

Mr.K.M.Margasagayam

... Petitioner

Vs.

1. The District Collector,
Chennai District,
Chennai-600 001.

2. The Tamil Nadu Housing Board,
Rep by its Chairman,
493, Anna Salai,
Nandanam, Chennai-600 035.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to consider the representation of the petitioner dated 12.12.2014 and pass necessary orders in pursuance of the same.

For Petitioner : Mr.K.V.Babu

For Respondents : Mr.N.Roofus Abraham
Government Advocate for R1

Mr.V.Anandamoorthy for R2

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner is a retired Deputy Collector, Revenue Department, aged about 71 years. According to him, while he was in service, an allotment of land was given to him admeasuring to an extent of 1 Ground and 825 Sq.Ft. in Plot No.69 in Thiruvanmiyur Scheme Area at Thiruvanmiyur Village, Chennai and vide letter dated 16.12.1974, the second respondent fixed the allotment cost at Rs.10,079/- recoverable in monthly instalments. The petitioner approached the Government of Tamil Nadu for housing loan and the

Government has also sanctioned House Building Advance of Rs.29,400/- and as per the terms and conditions of loan, the loan amount has to be recovered from his monthly salary and he has also executed Mortgage Deed in favour of the Government. The grievance of the petitioner is that though he has cleared the entire loan and that he was also permitted to retire from service, he has not been issued with No Objection Certificate, inspite of his representation dated 12.12.2014, by the respondents for the purpose of cancellation of the Mortgage Deed so as to enable him to get the property free from all encumbrances.

3. Mr.K.V.Babu, learned counsel appearing for the petitioner has drawn the attention of this Court to the affidavit and typed set of papers and would submit that inspite of his above said representation dated 12.12.2014 as well as several personal visits to the first respondent's office, the first respondent did not pass any order with regard to grant of No Objection Certificate and therefore, left with no other alternative, he has filed this writ petition.

4. The Court heard the submissions of Mr.N.Roofus Abraham, learned Government Advocate, who accepts notice for the first respondent and Mr.V.Anandamoorthy, who accepts notice for the second respondent.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner, directs the first respondent to consider the representation of the petitioner dated 12.12.2014 and pass orders on merits and in accordance with law, as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

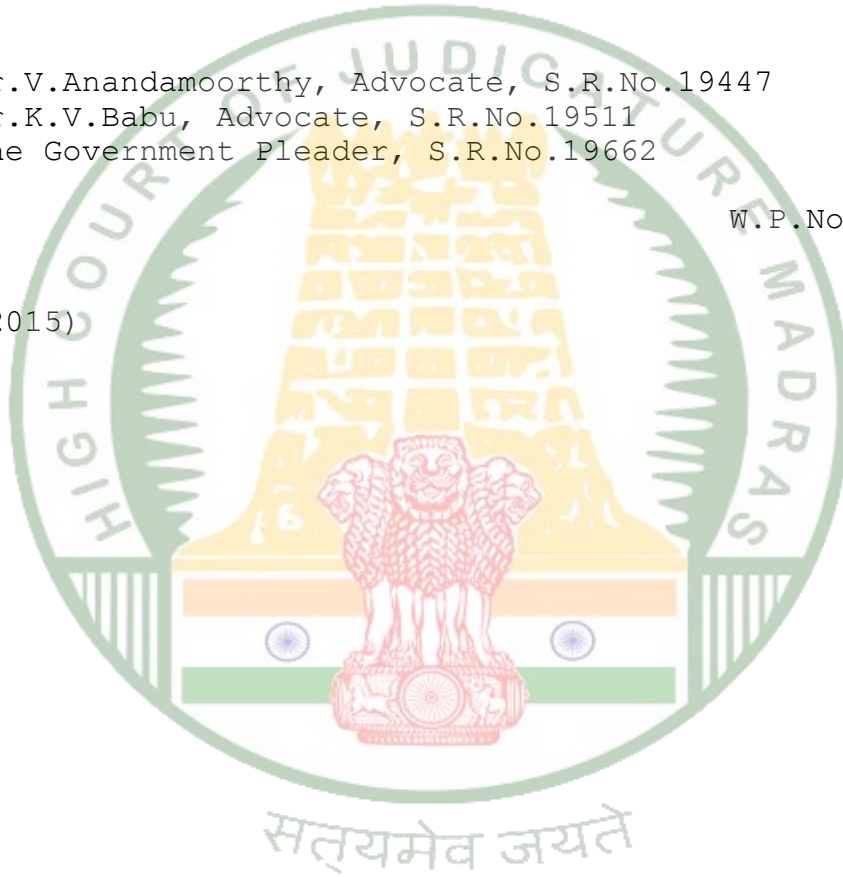
To

1. The District Collector,
Chennai District,
Chennai-600 001.
2. The Chairman,
The Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam, Chennai-600 035.

+1cc to Mr.V.Anandamoorthy, Advocate, S.R.No.19447
+1cc to Mr.K.V.Babu, Advocate, S.R.No.19511
+1cc to the Government Pleader, S.R.No.19662

W.P.No.10209 of 2015

MP (CO)
CA(08/05/2015)



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