

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3293 of 2019
and
W.M.P.No.3564 of 2019

K.Elumalai

... Petitioner

Vs

1.The District Collector,
Office of Collectorate,
Vellore District,
Vellore.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Sathuvachary Post,
Vellore District.

3.The Commercial Tax Officer,
Tiruthani Post & Taluk,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in E4/26914/2013-2017 on the file of the 1st respondent dated 04.10.2018 and quash the same and further direct him to issue No Objection Certificate to the 2nd respondent for executing the sale deed to the petitioner for the purchase of land and building in plot No.310-A (MIG), Vellore Housing Unit, Arakonam, Vellore District on 10.06.1990.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.R.Govindasamy,
Special Government Pleader for R1

For Respondents: Mr.V.Anandha Murthy,
Standing Counsel for R2
Mr.M.Hariharan,
Additional Government Pleader (T)
for R3

O R D E R

The petitioner is aggrieved against the order of the 1st respondent dated 04.10.2018, refusing to grant No Objection Certificate for the purpose of executing the sale deed by the Tamil Nadu Housing Board in respect of Plot No.310-A (MIG), Vellore Housing Unit, Arakonam, Vellore District.

2. Heard both sides.

3. The case of the petitioner is as follows:

The land and building in Plot No.310-A (MIG), Vellore Housing Unit, Arakonam, Vellore District was allotted to him under outright purchase on 10.06.1990. A regular allotment order was also issued. The 1st respondent sanctioned housing loan for a sum of Rs.1,21,000/- to the petitioner. The said amount was paid to the 2nd respondent office on 31.03.1994 and the Housing Board also issued a receipt for the said sum on 26.04.1990. The entire loan amount was recovered by installment from the petitioner's salary till 24.06.2009. Final installment with due interest also were paid as early as on 24.06.2013 and 23.08.2013 respectively. Thus, there are no arrears of the amount due to the Government or Tamil Nadu Housing Board. The petitioner sought for issuing No Objection Certificate by the 1st respondent to get the sale deed executed by the 2nd respondent. However, the said request was rejected by the impugned order stating that the certain documents relevant to the loan repayment were not produced. Hence, the present writ petition is filed.

4. After notice, the 3rd respondent filed a counter affidavit before this Court stating that sanctioned amount of Rs.1,21,000/- was already recovered by monthly installments. A final amount of Rs.33,700/- and the interest of Rs.1,10,851/- were also recovered from the petitioner. Thus, it is stated by the 3rd respondent that the petitioner has paid the entire amount to the Tamil Nadu Housing Board and therefore, there is no outstanding amount due from the petitioner. The 3rd respondent has also stated in the counter affidavit that all the recovered details of installment dues were submitted to the 1st respondent through proceedings dated 21.01.2019.

5. In view of the above stand taken by the 3rd respondent and in view of the fact that the communication dated 21.01.2019 was sent by the 3rd respondent to the 1st respondent enclosing the relevant documents detailing the payment of entire installment, I do not think that there will be any impediment for the first respondent to consider the request of the petitioner to grant No Objection Certificate, based upon the documents furnished by the 3rd respondent through the communication dated 21.01.2019.

6. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the 1st respondent to consider the request of the petitioner for grant of No Objection Certificate, based on the communication of the 3rd respondent dated 21.01.2019 and the documents enclosed therewith and also the documents, if any to be furnished by the 3rd respondent thereafter. Such exercise shall be done by the 1st respondent within a period of four weeks. If any documents are left out to be furnished by the 3rd respondent to the 1st respondent in respect of the loan transaction, the same shall also be furnished by the 3rd respondent to the 1st respondent within a period of seven days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

gsi/vri

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Office of Collectorate,
Vellore District,
Vellore.
2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Sathuvachary Post,
Vellore District.

3. The Commercial Tax Officer,
Tiruthani Post & Taluk,
Thiruvallur District.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.21311

+1cc to Mr.Veerasekaran, Advocate, S.R.No.20741

+1cc to the Government Pleader, High Court, Madras, S.R.No.22094

+1cc to the Special Government Pleader,

High Court, Madras, S.R.No.21691

W.P.No.3293 of 2019

LN(CO)
kak(11/03/2019)



WEB COPY