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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.15435 OF 2021

Vasanthakumari ... Petitioner

.Vs.

1. The District Collector,
   Krishnagiri District.

2. The Executive Engineer & Administrative Officer,
   Tamil Nadu Housing Board Division,
   Hosur.

3. The Divisional Engineer,
   Office of the National Highways Department,
   Salem - 4.

4. The Assistant Divisional Engineer,
   Office of the National Highways,
   Salem. ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue no objection certificate based on the communication of the third respondent dated 07.12.2020 vide proceedings Ka.En.672/2020/A1 and consequently direct the second respondent to execute the sale deed in favour of the petitioner with reference to the Flat bearing D.No.331, MIG B1 Type Pothapuram Road, Errahalli Panchayat, Kaveripattinam Block pursuant to the petitioner's representation dated 15.04.2021.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mrs.C.Sangamithirai
Special Government Pleader

Mr.G.Krishnaraja for R4
Government Advocate

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O R D E R

The Writ Petition has been filed seeking direction to the first respondent to issue no objection certificate based on the communication of the third respondent dated 07.12.2020 vide proceedings Ka.En.672/2020/A1 and consequently direct the second respondent to execute the sale deed in favour of the petitioner with reference to the Flat bearing D.No.331, MIG B1 Type Pothapuram Road, Errahalli Panchayat, Kaveripattinam Block pursuant to the petitioner's representation dated 15.04.2021.

2. The facts of the case are as follows:

The petitioner's husband purchased a house from Tamil Nadu Housing Board, Hosur as per allotment order in No.HR10/18517/1993 bearing Document No.331 MIG B1 Type, Pothapuram Road, Errahalli Panchayat by availing loan under the scheme of District Collector, Krishnagiri for a sum of Rs.1,46,800/- and the same loan amount was deducted from the retirement benefits of the petitioner's husband. The petitioner's husband passed away on 16.10.2018. Thereafter, the petitioner made a representation on 12.05.2020 to the 4th respondent to issue the sale deed in favour of the petitioner. Subsequently, the petitioner made another representation to the second respondent along with all dues and on 19.08.2020, the third respondent has issued no due certificate to the petitioner. On 07.12.2020, the 3rd respondent sent communication to the first respondent that entire amount has been settled by the petitioner. On the contrary, on 24.12.2021, the first respondent sent communication to the third respondent to rectify and resend the proposal for issuing no objection certificate. On 01.02.2021, the third respondent sent communication to the 4th respondent that to rectify the mistakes and sbmit the documents and on 05.02.2021 the petitioner was directed to appear for enquiry and she appeared in persons and filed her statement. On 15.04.2021, the petitioner made a representation to the first respondent for issuing no objection certificate for enabling her to get sale deed. There is no action taken so far and hence, the petitioner has filed the present writ petition before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this Court may direct the respondent to consider the petitioner's representation and pass appropriate orders within the reasonable time as fixed by this Court.

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4. On the other hand, the learned Special Government Pleader appearing for the respondents submitted that the representation will be considered and orders will be passed if there is no dues to the Government with law within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and having regard the submissions made by the learned counsel on either side, the petitioner is directed to make a fresh representation along with all the relevant documents and also a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders, after completion of the necessary formalities, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
   Krishnagiri District.

2. The Executive Engineer & Administrative Officer,
   Tamil Nadu Housing Board Division,
   Hosur.

3. The Divisional Engineer,
   Office of the National Highways Department,
   Salem - 4.

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4. The Assistant Divisional Engineer,
Office of the National Highways,
Salem.

+1cc to the Government Pleader, S.R.No.5149

W.P.NO.15435 OF 2021

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