



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.19913 of 2021

J.Ponnuthai

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Manager-Marketing and Service,
Madurai Housing Unit,
Tamilnadu Housing Board,
Ellis Nagar,
Madurai.

3.The Regional Deputy Director,
Government Industrial Training Center,
Trichy-14.

4.The Treasurer,
Office of the Sub Treasury,
Thiruvirumbur,
Trichy District.

5.The Sub Registrar,
Office of the Sub Registration,
Palanganatham,
Madurai.

... Respondents

(R-5 is impleaded vide Court order dated 05.01.2022 in W.M.P(MD). No.19354 of 2021 in W.P(MD).No.19913 of 2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue No Objection Certificate with regard to the housing loan paid the entire amount, vide receipt No.926016, dated 30.03.1998 and receipt No.1790, dated 31.03.1998 and to consider the petitioner's representation, dated 22.10.2021.

For Petitioner	:	Mr.R.M.Suresh
For R-1 and R-3 to R-5	:	Mr.S.Shanmugavel, Additional Government Pleader.
For R-2	:	Mr.M.Mahaboob Athiff, Standing Counsel.



ORDER

Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice for the respondents 1, 3, 4 and 5. Mr.M.Mahaboob Athiff, learned Standing counsel, takes notice for the second respondent.

2. The Writ Petition has been filed in the nature of Mandamus seeking a direction against the first respondent / the District Collector, Madurai District, to issue a No Objection Certificate with respect to the housing loan and to consider the representation of the petitioner dated 22.10.2021.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the husband of the petitioner, R.G.Immanuel, was working as an Assistant Apprenticeship Adviser in the office of the Regional Deputy Director of Training at Trichy. The house property at Survey No.64/2A measuring 3933 Square feet in Flat No.HIG-88, had been allotted and he also applied for a loan before the first respondent. Loan was also sanctioned. Thereafter, the value of the plot was also determined. House building advance was also sanctioned. A lease cum agreement of sale was also entered into. The petitioner is in possession of the property. Her husband unfortunately expired on 08.07.2005. The petitioner claims that she has paid the entire consideration of Rs.2,40,626/-. The second respondent / the Manager - Marketing and Service, Madurai Housing Unit, Tamil Nadu Housing Board, Madurai, had also executed a sale deed dated 27.09.2021 in favour of the petitioner.

4. The petitioner wanted to settle the properties in favour of her children. The petitioner claims that she is entitled to do so, in view of the fact that the entire amount had been paid towards the purchase of the said Housing Board plot. However, it is claimed that No Objection Certificate had not been issued. It is under those circumstances that the present Writ Petition has been filed.

5. During the course of hearing, it came to light that the petitioner has to pay a sum of Rs.13,227/- and another sum of Rs.402/- which are due and payable by the petitioner herein. Mr.R.M.Suresh, learned counsel for the petitioner, stated across the Bar that yesterday / 04.01.2022, the petitioner had paid the entire amounts. Let details thereof be forwarded to the second respondent by the petitioner herein and on receipt thereof, since the arrears had been paid and there are no further arrears, a direction is given to the second respondent to issue No Objection Certificate to the petitioner and consequently, on receipt of such No Objection Certificate, a further direction is given to the fifth respondent / the Sub Registrar, Palanganatham, Madurai to remove any entry in the encumbrance certificate thereby enabling the petitioner to register the settlement deed in favour of her children. The



to issue a No Objection Certificate within a period of four (4) weeks and if a document is presented for registration, to register the same by the fifth respondent within a period of three (3) further weeks thereof.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Madurai District,
Madurai.
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- 3.The Regional Deputy Director,
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- 5.The Sub Registrar,
Office of the Sub Registration,
Palanganatham,
Madurai.



+1 CC to M/s.R.M.SURESH, Advocate (SR-516[F] dated 06/01/2022)

+1 CC to M/s.SPL.GP (SR-563[F] dated 06/01/2022)

W.P. (MD) .No.19913 of 2021
05.01.2022

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SS(CO)

KB(16.02.2022) 4P 8C