



W.P.No.12262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12262 of 2023

T.Ranganayagi

...Petitioner

Vs.

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Tasildhar,
Dharapuram Taluk, Tiruppur District.
3. Erode Housing Unit,
Rep. by its Executive Engineer and
Administrative Officer,
Sampath Nagar, Erode - 638 011.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider petitioner's representation dated 28.03.2023 seeking for No Due Certificate for the loan availed by her husband Thangavel or else inform arrear details as on today, if any and enable her to get sale deed from the 3rd respondent for the house-MIG-B-House No.116 allotted under Dharapuram Small and Medium Town Scheme Phase-I.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.U.Bharanidharan, AGP, for R1 & R2
: Mr.D.Veerasekaran, SC, for R3



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ORDER

The petitioner has filed this Writ petition seeking direction to the 2nd respondent to consider and pass orders on the petitioner's representation dated 28.03.2023.

2. Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the 1st & 2nd respondents. Mr.D.Veerasekaran, learned Standing Counsel takes notice for the 3rd respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is a Widow and her husband namely Thangavel died on 06.07.2021. While the said Thangavel was alive, he worked as Village Administrative Officer and retired from his service on 31.10.2010 and when he was in service, he was issued with provisional allotment order dated 04.09.1992 in respect of the House bearing No.116-MIG-B- in Dharapuram by the 3rd respondent and a sum of Rs.1,19,5000/- was fixed as the cost for the same. In order to purchase the



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above said allotted house, the petitioner's husband availed a housing loan for a sum of Rs.1,18,000/- from the Periyar District Collector and he repaid the same in 141 instalments. While such being the legal position, the petitioner applied for name transfer of the house allotted to her husband and the same was ordered by the 3rd respondent on 22.11.2022. Pursuant to which, the petitioner approached the 3rd respondent for execution of sale deed in her favour, however, the 3rd respondent directed the petitioner to obtain No Due / No Objection Certificate (in short 'NOC') from the 1st respondent. Accordingly, the petitioner made a representation dated 28.03.2023 before the 2nd respondent, seeking issuance of NOC and details of arrears if any, however, till date, no orders have been passed on the said representation. Hence, this present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 28.03.2023 and pass appropriate orders as expeditiously as possible.

5. On the above said contentions, heard learned counsel appearing for



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the respective respondents and perused the materials placed on record.

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6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 28.03.2023 on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. Accordingly, this Writ petition stands disposed of. No costs.

21.04.2023

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No
To

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Dharapuram Taluk, Tiruppur District.
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