



W.P(MD)No.3659 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3659 of 2024

Pandiselvi

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Executive Engineer,
Tamil Nadu Urban Habitat
Development Board,
K.K.Nagar,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue the allotment order in Plot No.5-26 to the petitioner, which was allotted by the respondents by considering the petitioner's representation dated 01.12.2023 within a time framed by this Court.



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For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R.1

Mrs.S.Latha for R.2

ORDER

Heard both sides.

2.The allotment order was issued in favour of one Ramar. The said Ramar passed away on 24.11.2013. The petitioner wants the sale deed to be executed in her favour since she had remitted all the monthly installments. The petitioner submitted an application in this regard before the second respondent. Since the second respondent did not process the application, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Standing Counsel appearing for the Board submitted that rival claim has been received from one Muniyammal and that the petitioner did not appear for enquiry.



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4.The learned counsel appearing for the petitioner draws my attention to the legal heir certificate issued by the Tahsildar, Madurai North Taluk. It mentions that the petitioner is the wife of deceased Ramar. The petitioner shall appear before the second respondent on **02.04.2024 at 03.00 p.m.** In the meanwhile, the second respondent will issue notice to the said rival claimant also. Based on the materials placed before the second respondent, the second respondent will take a call. The second respondent will specifically find out as to who paid all the balance installments. This is because Ramar had passed away on 24.11.2013 itself. We are now in March 2024. The petitioner states that she paid the balance amount of Rs.45,000/- by 20.09.2016 itself. Muniayammal must also be able to produce the Marriage certificate if at all she has. The second respondent will take into account all the relevant aspects and pass final order on merits and in accordance with law. If the petitioner's claim is found sustainable, the sale deed will be executed in favour of the petitioner.



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5.This writ petition is disposed of accordingly. There shall be no order as to costs.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 26.03.2024.

To

- 1.The District Collector,
Madurai District.
- 2.The Executive Engineer,
Tamil Nadu Urban Habitat
Development Board,
K.K.Nagar,
Madurai District.



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G.R.SWAMINATHAN, J.

MGA

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