



W.P(MD)No.4794 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4794 of 2024

and

W.M.P.(MD)No.4601 of 2024

P.Balamurugan

... Petitioner

Vs.

1.The Principal Secretary / Commissioner,
Sales and Agriculture Commerce Department,
Chennai.

2.The Secretary,
Madurai Agricultural Marketing Committee,
Madurai.

3.The Director,
Madurai Agricultural Marketing Committee,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Proceedings issued by the 2nd Respondent in Na.Ka.No.Aa2/1628/2017 dated 20.02.2024 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and



W.P(MD)No.4794 of 2024

consequently directing the Respondents to issue the sale deed in respect of Shop No.K292, Paddy Commercial Complex, Mattuthavani, Madurai-7 as P.Balamurugan which is the full name of the Petitioner.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.T.Villavankotai,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner is a flower merchant. He is having a shop in the complex belonging to the second respondent. The petitioner's actual name is P.Balamurugan. However, he is called as Murugan. The allotment order issued in favour of the petitioner stands in the name of P.Murugan. The petitioner has been remitting the EMIs. He is also ready to pay the entire balance amount and take the sale deed. But on account of discrepancy in the name, the second respondent is unable to execute sale deed in favour of the petitioner. The petitioner has been called upon to approach the second respondent after setting right the said discrepancy. Challenging the said communication, the present writ petition came to be filed.



W.P(MD)No.4794 of 2024

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3.The second respondent has filed counter affidavit and it is stated that the sale deed will be executed in the name of P.Murugan after the remaining installments are paid.

4.I carefully considered the rival contentions and went through the materials on record. The materials enclosed in the typed set of papers clearly indicate that the petitioner is P.Balamurugan. Merely because, in the allotment letter, the name of Murugan was erroneously mentioned, that mistake need not be perpetuated. The petitioner shall execute a notarized affidavit before the second respondent stating that Murugan mentioned in the allotment letter and P.Balamurugan are one and the same. Upon execution of such notarized affidavit and payment of balance amount and other charges, if any, sale deed in the name of the petitioner (P.Balamurugan) shall be executed.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.4794 of 2024

G.R.SWAMINATHAN, J.

ias

To:-

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Madurai Agricultural Marketing Committee,
Madurai.
- 3.The Director,
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W.P(MD)No.4794 of 2024

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