



W.P.(MD)No.29542 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **09.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.29542 of 2024

N.Kannaiah

... Petitioner

-Vs-

1.The Secretary to the Government of Tamil Nadu,
Secretariat, Housing Board Department,
Chennai-600 009.

2.The District Collector,
Thanjavur District, Thanjavur.

3.The Personal Assistant to the
District Collector (Accounts),
Thanjavur District, Thanjavur.

4.The Tahsildar,
Pattukottai Taluk,
Pattukottai, Thanjavur District.

5.The Executive Engineer / Administrative Officer,
Thanjavur Housing Board Division,
New Housing Board Unit,
Thanjavur-613005.

6.The Manager (Sales & Service),
Thanjavur Housing Board Division,
New Housing Board Unit,
Thanjavur-613 005.

... Respondents



W.P.(MD)No.29542 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to issue No Objection Certificate (NOC) to hand over the sale deed of the petitioner's house at Housing Board No.181, Door No.795, New Housing Unit, Pannavarayan Kottai, Pattukottai Taluk, Thanjavur District-614602 to the petitioner by taking the proceedings of the 4th respondent dated 27.12.2019 into account within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Kannaiah (Party-in-Person)
For R1 to R4 : Mr.S.Shanmugavel,
Additional Government Pleader
For R5 & R6 : Mr.M.Suresh,
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The petitioner seeks a direction to the 2nd respondent to issue No Objection Certificate (NOC) to hand over the sale deed of his house at Housing Board No.181, Door No.795, New Housing Unit, Pannavarayan Kottai, Pattukottai Taluk, Thanjavur District-614602 to him by taking the proceedings of the 4th respondent dated 27.12.2019 into account within the time limit that may be fixed by this Court.



W.P.(MD)No.29542 of 2024

WEB COPY

3. It is the case of the petitioner that when he was working as Village Administrative Officer, he was allotted the said house under the category of differently abled quota and the scheme of payment is on installment basis. The 2nd respondent, vide proceedings dated 22.09.2001, permitted the petitioner to purchase the said house by availing the loan to the tune of Rs.3,35,700/- and vide proceedings dated 29.09.2001, sanctioned the said loan to the petitioner. Thereafter, the petitioner was paying installments without fail. The 3rd respondent, vide proceedings dated 30.08.2018, calculated the entire loan amount pending as on date with interest and forwarded the same to the 4th respondent, who in turn, vide proceedings dated 27.12.2019, reported the 2nd respondent, informing about the balance amount of Rs.2,73,135/- and it has to be recovered from the petitioner's pensionary benefits. The respondents 6 and 5, vide their proceedings dated 27.05.2022 and 06.02.2023 respectively, informed that the entire loan amount has been repaid and directed the petitioner to submit certain documents in order to receive original sale deeds. Accordingly, the petitioner approached the 2nd respondent and submitted a representation for issuance of NOC for handing over the sale deed. Since the same has not been considered so far, the petitioner has approached this Court.



W.P.(MD)No.29542 of 2024

WEB COPY

4.Mr.M.Suresh, learned Standing Counsel, who takes notice for the respondents 5 and 6, on instructions, submits that the petitioner has repaid the entire loan amount and he was also communicated that on production of certain documents, he can receive the original sale deeds.

5.Mr.S.Shanmugavel, learned Special Government Pleader, who takes notice for the respondents 1 to 4, relying upon the proceedings of the 4th respondent dated 09.12.2024, submits that on receipt of the representation from the petitioner, the petitioner was directed to submit certain documents by communication dated 25.09.2024 for issuance of NOC. However, till date, the petitioner has not submitted the documents. He further submits that if the petitioner produces the documents as mentioned in the proceedings of the 4th respondent dated 09.12.2024 in the office of the 2nd respondent, the request of the petitioner would be considered.

6.In view of the above, the petitioner is directed to appear before the 2nd respondent with relevant documents within a period of one week from the date of receipt of a copy of this order. On his appearance and furnishing other related documents, the 2nd respondent is directed to issue NOC to the petitioner



W.P.(MD)No.29542 of 2024

forthwith. Thereafter, on production of NOC, the respondents 5 and 6 are directed to release the original sale deeds of the petitioner's house to the petitioner forthwith.

7. With the above direction, this Writ Petition is disposed of. No costs.

09.12.2024

Index : Yes / No

NCC : Yes / No

Yuva

TO:-

1. The Secretary to the Government of Tamil Nadu,
Secretariat, Housing Board Department,
Chennai-600 009.
2. The District Collector,
Thanjavur District, Thanjavur.
3. The Personal Assistant to the
District Collector (Accounts),
Thanjavur District, Thanjavur.
4. The Tahsildar,
Pattukottai Taluk,
Pattukottai, Thanjavur District.
5. The Executive Engineer / Administrative Officer,
Thanjavur Housing Board Division,
New Housing Board Unit,
Thanjavur-613005.



WEB COPY



W.P.(MD)No.29542 of 2024

G.K.ILANTHIRAIYAN, J.

Yuva

6.The Manager (Sales & Service),
Tanjavur Housing Board Division,
New Housing Board Unit,
Tanjavur-613 005.

W.P.(MD)No.29542 of 2024

09.12.2024