



W.P (MD).No.23846 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

CORAM

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

W.P (MD).No.23846 of 2024

Pandi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Superintending Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Circle,
No.169, K.K.Nagar Main Road,
Madurai-20.

3.The Assistant Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Circle,
No.169, K.K.Nagar Main Road,
Madurai-20.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 2 & 3 to issue No Due Certificate and rectified plan to the petitioner in respect of the house site in Old Plot No.241, New Plot No.229 in T.S.No.2720, Jawaharpuram, Madurai with 547 square feet and to execute a Sale Deed in favour of the petitioner.



W.P (MD).No.23846 of 2024

For Petitioner : Mr.K.Navaneetharaja
For R1 : Mr.S.Shanmugavel
Additional Government Pleader
For R2 : Mrs.S.Latha

ORDER

This writ petition has been filed for a direction directing the respondents 2 & 3 to issue No Due Certificate and rectified plan to the petitioner in respect of the house site in Old Plot No.241, New Plot No.229 in T.S.No.2720, Jawaharpuram, Madurai with 547 square feet and to execute a Sale Deed in favour of the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner was allotted house plot in Jawaharpuram area under the downtrodden people in old Blot No.241 and New Plot No.229 comprised in T.S.No.2720 situated at Jawaharpuram, Madurai by the allotment order dated 01.12.1992. After the allotment, the petitioner had paid the entire sale consideration. Even then, the respondents 2 & 3 failed to issue No Due Certificate and also failed to register the sale deed sofar. The petitioner was issued No Due Certificate on 18.12.2018 by mentioning the plot number alone without mentioning the extent of the plot.



W.P (MD).No.23846 of 2024

WEB COPY

4. The third respondent filed counter. On submission made by the learned Additional Government Pleader appearing for the first respondent revealed that though the petitioner was allotted Old Plot No.241 and New Plot No.229 situated at Jawaharpuram under the Tamil Nadu Urban Development Project Scheme to an extent of 50.88 sq.mtr. The actual occupied area of the old Plot No.241 and New Plot No.229 is only 22.11 sq.mtr comes to 238 square feet and the unoccupied area cannot be considered for issuance of No Due Certificate for registration of sale deed.

5. Admittedly the petitioner was allotted house plot to an extent of 50.88 sq. mtr. Further the petitioner has also paid the entire sale consideration for the entire extent i.e., 50.88 sq.mtr. The petitioner was issued No Due Certificate on 18.12.2018, however, in the said No Due Certificate the third respondent did not mention about the extent of the plot.

6. In view of the above, the third respondent is directed to issue No Due Certificate and rectified plan to the petitioner in respect of the house site in Old Plot No.241, New Plot No.229 in T.S.No.2720, Jawaharpuram, Madurai within a period of two weeks from the date of receipt of a copy of this order and



W.P (MD).No.23846 of 2024

execute the sale deed in respect of the subject property in favour of the petitioner within a period of two weeks thereafter.

7. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

08.01.2025

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintending Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Circle,
No.169, K.K.Nagar Main Road,
Madurai-20.
- 3.The Assistant Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Circle,
No.169, K.K.Nagar Main Road,
Madurai-20.



WEB COPY



W.P (MD).No.23846 of 2024

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.23846 of 2024

08.01.2025