

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30138 of 2014

Tmt.D.Guna

...Petitioner

vs.

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035

2. The Executive Engineer &
Administrative Officer,
Mogappair Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai 600 101

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to issue sale deed to the house plot No.5/573 - LIG - 1 measuring 640 sq.ft., J.J.Nagar, West Mogappair division in the name of the petitioner in the light of the judgment and decree made in A.S.No.414/2012 dated 5-07-2013 by the learned XVIIIth Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.T.P.Kathirraavan

For Respondents : Mr.V.Anandha Murthy

O R D E R

Heard Mr.T.P.Kathirraavan, learned counsel appearing for the petitioner and Mr.V.Anandha Murthy, learned counsel appearing for the respondents.

2.This petition has been filed seeking issuance of directing the respondents to issue sale deed to the house plot No.5/573 - LIG - 1

measuring 640 sq.ft., J.J.Nagar, West Mogappair division in the name of the petitioner in the light of the judgment and decree made in A.S.No.414/2012 dated 05-07-2013 by the learned XVIIIth Additional Judge, City Civil Court, Chennai.

3.Petitioner was allotted a residential plot by the respondent Housing Board. On account of default in payment, the allotment was cancelled and the petitioner filed a suit challenging the order passed cancelling the allotment in O.S.No.150 of 2011 on the file of the learned I Assistant Judge, City Civil Court, Chennai. The suit was dismissed vide judgment and decree dated 18.06.2012. Aggrieved by the same, the petitioner preferred an appeal before the learned XVIII Additional Judge, City Civil Court, Chennai in A.S.No.414 of 2012. The lower Appellate Court allowed the appeal by judgment and decree dated 05.07.2013. After the petitioner succeeded before the City Civil Court, the petitioner has remitted the entire amount of Rs.6,36,000/- and a receipt in this regard has been issued to the petitioner, pursuant to which, the petitioner has submitted a representation on 30.06.2014 followed by a legal notice.

4.In response to the said communication, the petitioner's counsel was informed that the orders of the Board are awaited and action will be taken after getting orders from the Board.

5.In the light of the above, the first respondent is directed to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law and if there is no legal impediment and if the petitioner has complied with all conditions, petitioner is entitled to get the Sale Deed executed in his favour or otherwise it is open to the respondents to pass appropriate orders on merits and in accordance with law and intimate the same to the petitioner. The above directions shall be complied with, within a period of three months from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035
2. The Executive Engineer &
Administrative Officer,
Mogappair Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai 600 101

1 CC to Mr.T.P.Kathirraavan, Advocate SR.No. 8598

1 CC to Mr.V.Anandha Murthy, Advocate SR.No. 8879

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RSK (CO)
PSI (02.03.2015)



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