

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.10251 of 2014

&

M.P.No.1 of 2014

1.K.Amsaveni
2.R.Sri Lekha

...Petitioners

Vs.

1. The Managing Director
Tamilnadu Housing Board
Anna Salai, Nandanam,
Chennai 35.

2. The Executive Engineer
Tamilnadu Housing Board
Coimbatore Housing Unit
Coimbatore 642 012.

3. The Sub-Registrar of Registration
O/o Ganapathy Sub Registrar
Ganapathy, Coimbatore District.

4. Indira Rajendran

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents 2 to 4 to cancel the sale deed dated 02.02.2009 registered as Document No.687 of 2009, on the file of the third respondent relating to MIG Plot No.3504, Ganapathy Phase-III comprising in Survey No.47 (part) of Ganapathy Village, Coimbatore District measuring an extent of 180 sq.mtrs and consequently direct the second respondent to execute the sale deed in favour of the petitioners after receiving the amount if any due towards the allotment order in letter No.A3/12241/91 dated

23.11.1992.

For Petitioners : Mr.S.Kamadevan
For Respondents : Mr.V.Anandhamurthy - R1&2
Mrs.P.Rajalakshmi - R3
Government Advocate
Mr.J.Franklin - R4

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.S.Kamadevan, learned Counsel appearing for the petitioner, Mr.V.Anandhamurthy, learned counsel appearing for respondents 1 & 2, Mrs.P.Rajalakshmi, learned Government Advocate appearing for the third respondent and Mr.J.Franklin, learned counsel appearing for the fourth respondent.

3.The petitioners seek for issuance of a writ of mandamus to direct the respondents 2 to 4 to cancel the sale deed dated 02.02.2009 registered as Document No.687 of 2009, on the file of the third respondent relating to MIG Plot No.3504, Ganapathy Phase-III comprising in Survey No.47 (part) of Ganapathy Village, Coimbatore District measuring an extent of 180 sq.mtrs and also to direct the second respondent to execute the sale deed in favour of the petitioners, after receiving the amount if any due towards the allotment order in letter No.A3/12241/91 dated 23.11.1992.

4.First petitioner is the wife of deceased K.Rajendran and the second petitioner is their daughter and as per allotment order dated 23.11.1992, Plot No.MIG 3504 in Ganapathy Phase II Scheme measuring an extent of 180 sq.mtrs was allotted in the name of K.Rajendran and after remittance of down payment of Rs.34,500/-, the remaining amount of Rs.51.300/- was agreed to be paid in a monthly instalments. However, on 21.09.2003, first petitioner's husband K.Rajendran passed away and after obtaining the death certificate and legal heirship certificate from the Revenue authorities, a request was made by the first petitioner on 05.05.2004, seeking name transfer in respect of Plot No.MIG 3504 in Ganapathy Phase II Scheme measuring an extent of

180 sq.mtrs, allotted in the name of K.Rajendran and also submitted another representation on 20.07.2004, before the second respondent, but there was no reply.

5. When the petitioners made an enquiry with the office of the third respondent, they came to know that the second respondent Board had executed a sale deed in favour of the fourth respondent in respect of the same plot which was allotted in favour of K.Rajendran/ first petitioner's husband on 02.02.2009 registered as Document No.687/2009, with the connivance of the officials of the Housing Board, by stating that she was the of deceased Rajendran. In this regard, it is submitted that the petitioners have also lodged a complaint before the District Crime Branch, Coimbatore. With these facts, the petitioners have come forward with the present Writ Petition for the aforementioned relief.

6. The learned counsel for the respondent Board submitted that the matter may be directed to be enquired into by the first respondent viz. the Managing Director, Tamil Nadu Housing Board.

7. In the light of the above, without going into the merits of the claim made by the petitioners, there will be a direction to the first respondent to consider the representations submitted by the petitioner dated 01.11.2013 and 07.03.2014, after issuing notice to the petitioners as well as to the fourth respondent, conduct an enquiry and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Petitioners are also directed to submit a fresh representation along with copy of this order to the first respondent forthwith.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Managing Director
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Chennai 35.

2. The Executive Engineer
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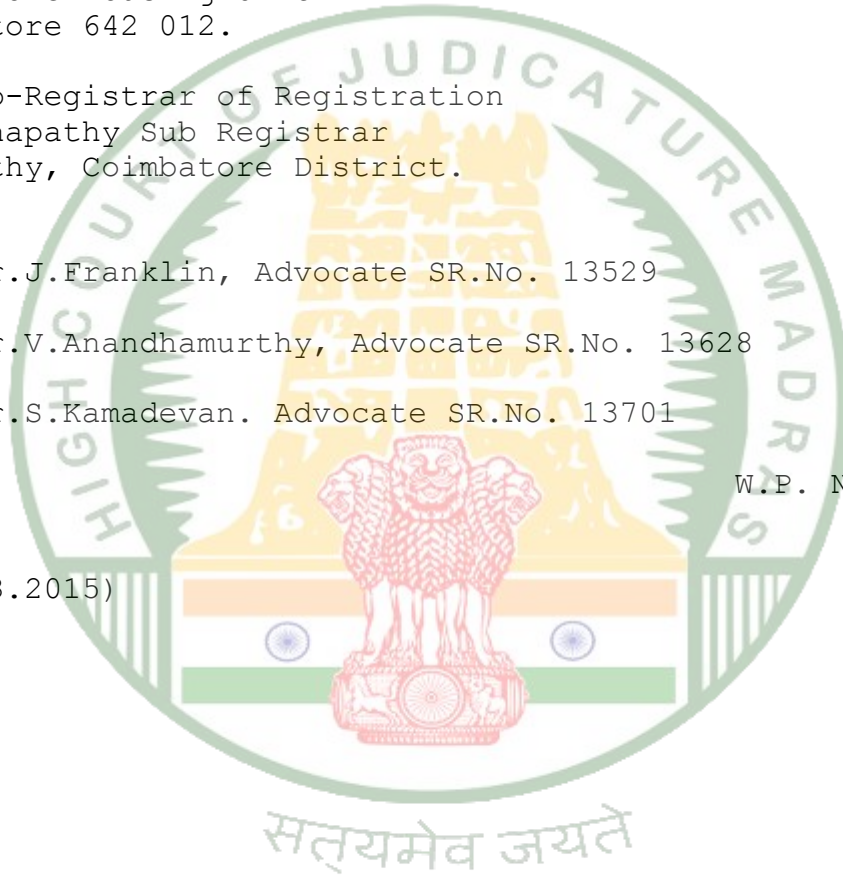
1 CC to Mr.J.Franklin, Advocate SR.No. 13529

1 CC to Mr.V.Anandhamurthy, Advocate SR.No. 13628

1 CC to Mr.S.Kamadevan. Advocate SR.No. 13701

W.P. No.10251 of 2014

GJ (CO)
PSI (25.03.2015)



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