

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21726 of 2015

A.Nagendran

.. Petitioner

vs

1. The Executive Engineer &
Administration Officer
Tamil Nadu Housing Board
Shopping Complex
J.J.Nagar Division
Thirumangalam
Chennai 600 101.

2. Hemalatha

3. G.Mohana Krishnan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider and dispose of the petitioner's representation dated 23.4.2015, and consequently, directing the first respondent to execute a sale deed in favour of the petitioner with reference to Flat No.5/17, Ground Floor, Tamil Nadu Housing Board Colony, Thirumullaivoyal, Korattur Division.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.V.Anandamoorthy for R1

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that the ground floor portion of the house (Flat) bearing Door No.5/17, Tamil Nadu Housing Board, Mullai Nagar, Thirumullaivoyal, Thiruvallur District, was originally allotted to one Mr.Gopal vide allotment order No.R2/420/88 dated

23.3.1988, and immediately after allotment, the said person has sold the same to the petitioner and the petitioner only paid the monthly instalments to the Tamil Nadu Housing Board and No Due Certificate was also issued and he claims to be in possession and enjoyment of the said house.

3.The petitioner would further state that the original allottee died on 13.3.2009, and his wife predeceased him on 3.12.2006, and the original allottee as well as his legal heirs also executed necessary documents in his favour, indicating that the petitioner is the owner of the property, and the petitioner has submitted a representation dated 23.4.2015, to the first respondent by enclosing all necessary documents with a request to execute the sale deed in his favour, and since he has not been favoured with any response, came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, would submit that since the petitioner only paid the instalments to the Tamil Nadu Housing Board, he is entitled to get the sale deed in his favour.

5.Per contra, Mr.V.Anandamoorthy, learned Standing Counsel, who accepted notice on behalf of the first respondent, would submit that the remedy open to the petitioner, is to approach the Civil Court.

6.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's representation dated 23.4.2015, in accordance with law, after putting on notice, the respondents 2 and 3, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner as well as to the respondents 2 and 3. The writ petition is disposed of accordingly. No costs.

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Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

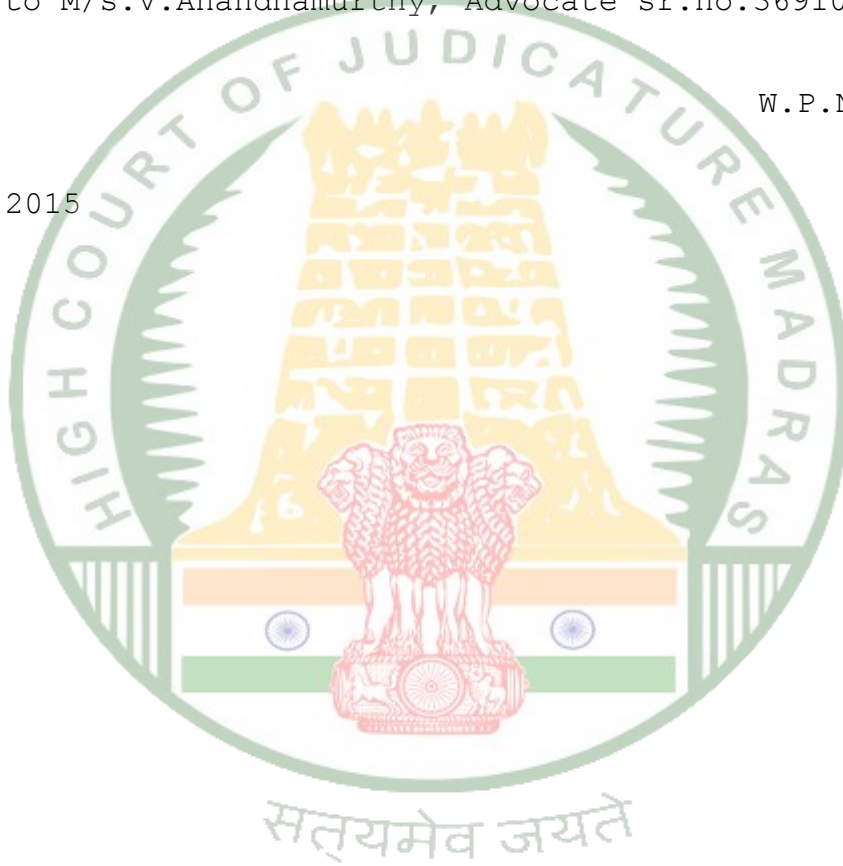
1. The Executive Engineer &
Administration Officer
Tamil Nadu Housing Board
Shopping Complex
J.J.Nagar Division
Thirumangalam
Chennai 600 101.

+lcc to M/s. M.Chidambaram, Advocate sr.no.36842

+lcc to M/s.V.Anandhamurthy, Advocate sr.no.36910

W.P.No.21726 of 2015

ppa[co]
srg 04.08.2015



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