

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

Coram:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No. 5676 of 2013

C.Srinivasan

.. Petitioner

Vs

1. The Chairman and Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai

2. The Coimbatore Housing unit,
Tamilnadu Housing Board,
Rep. By its Executive Engineer
Tatabad, Coimbatore

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to pass orders on the petitioner's representation dated 17.01.2013 regarding scheme of Ganapathy.

For Petitioner : Mr.G.Jeremiah

For Respondents: Mr.R.V.Babu

O R D E R

Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.R.V.Babu, learned counsel for respondents.

2. The petitioner's case is that he was allotted a plot by Tamilnadu Housing Board and for certain purposes he had executed power of attorney in favour of 3rd party. The 3rd party appears to have used the power of attorney and executed sale in favour of one Srinivasan. Subsequently, the power agent re-purchased the property from the said Srinivasan. Therefore, it is stated that fraud has been played and representation is filed before the authority to set aside the registered sale deeds, registered as document nos.5375 and 5376 of 2007. As already held by the full bench of this Court in Lathif Estate Line India Limited Vs. S.Hadeeja Ammal & Others reported in 2011 (2) CTC 1, the only remedy available to the petitioner is to approach the civil court to set aside those documents.

3. Accordingly, no useful purpose would be served by directing the respondent to consider the representation and hence this Writ Petition is dismissed. However, liberty is granted to the petitioner to approach the civil court and in the said suit, the petitioner is directed to implead the Tamilnadu Housing Board as one of the defendants. No costs.

Sd/-
Assistant Registrar
Dated:18.2.15

True Copy

Sub Assistant Registrar

To

1. The Chairman and Managing Director,
Tamilnadu Housing Board,
Nandanam, Chennai
2. The Coimbatore Housing unit,
Tamilnadu Housing Board,
Rep. By its Executive Engineer
Tatabad, Coimbatore.

+1 cc to M/s. Jeremiah, Advocate, SR.7228.

rsi(co)
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सत्यमेव जयते

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