

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.36384 of 2015
and
M.P.No.1 of 2015

B.Raghuraman

...Petitioner

- Vs -

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

2 The Secretary/Personnel Officer
Tamil Nadu Housing Board
Nandanam Chennai-600 035.

3 The Executive Officer
Tamil Nadu Housing Board
K.K.Nagar Division
K.K.Nagar Chennai-600 078.

4 V.Karikalan

5 R.Sakthivel

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the 1 - 3rd respondent to defer the process of registering sale deeds or other deeds in favour of the 4th respondent or any other third parties with respect to the commercial shop situated in A Block Oddapalayam Scheme Shop No.4 at Kodambakkam Village 100 feet Road Ashok Nagar Chennai.

For Petitioner : Mr.M.Vijay Anand

For R1 to R3 : Mr.V.Anandhamoorthy

ORDER

The petitioner has come forward to file this writ petition being a power and agreement holder with the allottee seeking the relief of writ of a mandamus directing the respondent to defer the process of registration of sale deeds.

2. The respondent No.4 is a original allottee. Now, the petitioner has filed a suit against respondent No.4 in O.S.No.6452 of 2014 which is pending on the file of XVI Assistant City Civil Court, Chennai. Pending the suit, the petitioner has also filed an application in I.A.No.9324 of 2015 to implead the official respondents as party defendants in the suit and respondents in the interlocutory application. Now, apprehending that in the interregnum, the respondents 1 and 3 are attempting to register the sale deed in favour of respondent No.4, this writ petition has been filed.

3. The writ petition filed is totally misconceived. This Court is not concerned with the inter se dispute between the petitioner on the one hand and respondent No.4 on the other hand. The power said to have been executed by respondent No.4 is stated to have been cancelled subsequently. These are all the matters for adjudication by the jurisdictional Civil Court as the petitioner rightly exercised the common law remedy. Without expressing anything on the same, a direction is issued to XVI Assistant City Civil Court, Chennai to dispose of I.A.No.9324 of 2015 expeditiously. Similarly, the Civil Court can also dispose of the injunction petition if any filed or to be filed expeditiously.

4. Writ petition is disposed of with the above observations. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

kua

To

- 1 The XVI Assistant Judge,
City Civil Court,
Chennai.
 - 2 The Managing Director
Tamil Nadu Housing Board
Nandanam Chennai- 600 035.
 - 3 The Secretary/Personnel Officer
Tamil Nadu Housing Board
Nandanam, Chennai-600 035.
 - 4 The Executive Officer
Tamil Nadu Housing Board
K.K.Nagar Division
K.K.Nagar Chennai-600 078.
- 1 CC to Mr.M.Vijay Anand, Advocate SR.No. 61874

W.P.No.36384 of 2015

VGI (CO)
PSI (24.11.2015)

सत्यमेव जयते

WEB COPY