

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6292/2015 & MP.Nos.1 to 3/2015

S.Saravanakumar

..Petitioner

Versus

1.The Member Secretary
Chief Metropolitan Development
Authority, Talamuthu Natarajan
Maligai, No.2, Gandhi Irwin Road,
Egmore Irwin Road, Chennai 600 008.

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

3.The Manager-Marketing Service
Tamil Nadu Housing Board,
K.K.Nagar Division, K.K.Nagar,
Chennai 600 078.

4.K.Perumal Naicker

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to the issue of allotment dated 23.12.1980 in favour of the 4th respondent and the consequent sale deed dated 27.11.2013 vide Document No.4611/2013 at the office of Sub Registrar, Kodambakkam, and within the Registration District of Chennai Central executed by the 3rd respondent in favour of the 4th respondent in connection with the land in all measuring 1890 sq.ft. Plot No.R-67, E type, Arumbakkam MMDA Colony, Tamil Nadu Urban Development Project, comprised in T.S.No.5[part] Block No.22, Arumbakkam Village, Egmore-Nungambakkam Taluk, Chennai District and quash the same and direct the respondents 1 to 3 to allot the said land afresh in favour of the petitioner.

For Petitioner :	Mr.D.Ashok Kumar
For R1 :	Mr.M.Karthikeyan
For RR2 & 3 :	Mr.V.Ananthamurthy

ORDER

Heard Mr.D.Ashok Kumar, learned counsel for the petitioner ; Mr.M.Karthikeyan, learned counsel accepting notice for the 1st respondent and Mr.V.Ananthamurthy, learned counsel accepting notice for the respondents 2 and 3 and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, notice to the 4th respondent is dispensed as the merits of the allegations/contentions made by the petitioner as against the 4th respondent are not gone into and the same is left open to the official respondents to consider the same.

3.The petitioner by way of this writ petition has sought for quashing the sale deed dated 27.11.2013 registered as Document No.4611/2013 on the file of the Sub Registrar, Kodambakkam.

4.The petitioner would allege that the sale deed itself is an illegal document and the private respondent, viz., the 4th respondent, is not entitled to become the owner of the property.

5.In any event, the question of entertaining a writ petition challenging a registered document is not maintainable, more so, in the light of the decision of the Honourable Full Bench of this Court in LATIF ESTATE LINE INDIA LIMITED REPRESENTED BY ITS MANAGING DIRECTOR Mr.HABIB ABDUL LATIF Vs. HADEEJA AMMAL AND OTHERS reported in 2011 [2] CTC 1.

6.In the light of the above, the prayer sought for by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. However, this will not prevent the petitioner from working out his remedy before the Civil Court as against the 4th respondent. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar

/true copy/

sub Asst Registrar

AP

To

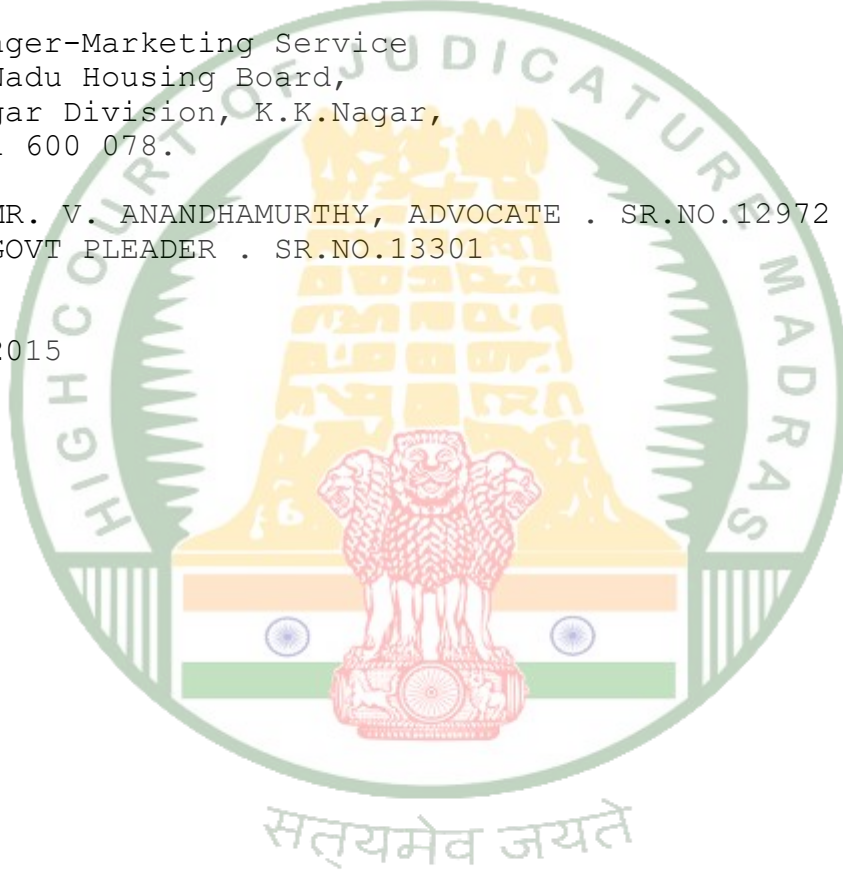
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+1 CC to MR. V. ANANDHAMURTHY, ADVOCATE . SR.NO.12972
+1 CC to GOVT PLEADER . SR.NO.13301

CO-AP
JD 20/03/2015



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