

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.8.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

WRIT PETITION NO.29966 OF 2012

A.S.Kalavathy .. Petitioner

vs.

1.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Chennai.

2.The Executive Engineer & Administrative
Officer,
Tamil Nadu Housing Board,
Chennai.

3.D.Shanthi .. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, for the relief as stated therein.

For petitioner : Mr.P.Srinivasan

For respondents : Mr.V.Anandamurthy for R1 & R2

O R D E R

Heard the learned counsel appearing on behalf of the petitioner, as well as respondents 1 and 2.

2. The petitioner has filed the present Writ Petition seeking to issue a Writ of Mandamus to direct respondents 1 and 2 to provide an alternative house site plot in Ambattur Scheme I or II, measuring 340 sq.mtrs, and to pass further orders.

3. The petitioner had stated that the respondent-Tamil Nadu Housing Board had allotted Plot No.6154, HIG Group, in Ambattur Scheme I and II. A sale deed, dated 22.9.2005, had been executed by the Tamil Nadu Housing Board, in favour of the 3rd respondent, by which it had been shown that the plot in question was having an extent of 340 sq.mtrs. Thereafter, on 1.6.2006, the 3rd respondent had sold the plot in question, to the petitioner, stating that the said plot had an extent of 340 sq.mtrs. However, the petitioner

had found, on measuring the plot, that it has an extent of 60 sq.mtrs. less than what had been mentioned in the original sale deed, dated 22.9.2005.

4. The learned counsel appearing on behalf of the respondent-Board had stated that the 3rd respondent had made a representation, on 16.8.2011, to rectify the mistake and to compensate her for the irregularity committed by the Board. Based on the representation submitted by the 3rd respondent, an enquiry had been conducted by the 2nd respondent and a Report had been submitted to the 1st respondent, on 5.9.2011. Thereafter, no further action had been taken by the respondent-Board, based on the said report.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court finds it appropriate to direct the 1st respondent-Board to consider the Report of the 2nd respondent, dated 5.9.2011, and to pass appropriate orders thereon, as expeditiously as possible, not later than eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner, as well as the 3rd respondent herein. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gs.

To

1.The Chairman & Managing Director,
Tamil Nadu Housing Board,
Chennai.

2.The Executive Engineer & Administrative
Officer,
Tamil Nadu Housing Board,
Chennai.

1 cc to Mr.V.Anandhamurthy, Advocate, Sr. 46147

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SVI (CO)
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