

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10864 of 2016

M.Gopalakrishnan,
rep. by its Power Agent
P.Chitra

... Petitioner

vs.

The Executive Engineer,
Mugappair Division,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai-101.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondent to release the sale deed in respect of Plot No.639 LIG II, Avadi, in favour of the petitioner on the basis of the representation dated 9.1.2015 submitted by the petitioner to the respondent.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.V.Anandamoorthy

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to release the sale deed in respect of Plot No.639 LIG II, Avadi, in his favour on the basis of the representation dated 9.1.2025 submitted by him to the respondent.

3. It is the case of the petitioner that Plot No.639, measuring to an extent of 92.90 sq.mt., LIG II, in Avadi scheme, Mugappair Division was allotted in favour of the petitioner by

the Tamil Nadu Housing Board by allotment order dated 30.1.1993. The cost of the plot was Rs.39,483/-. The said plot was handed over to the petitioner on 18.1.2000 and the entire amount due to the Tamil Nadu Housing Board was paid on 28.2.2000. Hence, the petitioner became the absolute owner of the said property. Thereafter, on 27.8.1999, the petitioner executed a general power of attorney in favour of one P.Chitra in respect of the said land. Since the entire sale consideration was paid as early as on 28.2.2000, the power of attorney made a representation dated 9.1.2015 to the respondent requesting him to execute the necessary sale deed in favour of the petitioner. Since the said representation was not considered so far, the petitioner has come up with the present writ petition for a mandamus directing the respondent to release the sale deed in respect of Plot No.639 LIG II, Avadi, in his favour on the basis of the representation dated 9.1.2025 submitted by him to the respondent.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 9.1.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner / his power Agent, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi
To

The Executive Engineer,
Mugappair Division,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai-101.

+1 cc to M/s.M.Gnanasekar Advocate sr.18587

W.P.No.10864 of 2016

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