

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12728 of 2016

And

W.M.P.No.11135 of 2016

Thiru.C.V.Sivaraman ... Petitioner

Vs.

1.Tamil Nadu Housing Board
Rep. by its The Managing Director,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

2.The Executive Engineer and Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam Shopping Complex,
Thirumangalam,
Chennai - 600 101. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 06.01.2014 and to execute and register Sale Deed in favour of the petitioner with respect to Plot No.X-28 measuring an extent of 2,400 Sq.ft. in Anna Nagar (West Neighbourhood Scheme Batch-II).

For Petitioner : Mr.V.P.Sengottuvel

For Respondent : Mr.V.P.Anandhamoorthy

WEB COPY
O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents herein to consider the representation of the petitioner dated 06.01.2014 and to execute and register Sale Deed in favour of the petitioner with respect to Plot No.X-28 measuring an extent of 2,400 Sq.ft. in Anna Nagar (West Neighbourhood Scheme Batch-II).

3.In the petition it has been stated that the petitioner made application for allotment of a house site at Arignar Anna Nagar and the Tamil Nadu Housing Board (TNHB) vide proceedings in Lr.No.G1/39295/67 dated 24.07.68 allotted Plot No.X-28 measuring an extent of 2,400 Sq.ft. in Anna Nagar (West Neighbourhood Scheme Batch-II) with conditions. It is further stated that the petitioner has paid the entire cost as per the orders of allotment and fulfilled the terms and conditions and the petitioner was expecting the respondents to execute and register a sale deed in his favour, but the respondents have not come forward to fulfill its obligation.

4.It is further stated that one S.Lakshmi Kanthammal filed a civil suit in O.S.No.6320 of 1993 on the file of the learned VI Assistant Judge, City Civil Court against this petitioner, one Hamsa Bai and the respondent Tamil Nadu Housing Board for decree of specific performance to direct the second defendant therein to execute sale deed in respect of the above mentioned plot. The petitioner resisted the said civil suit by contending that he never entered into any sale agreement with the second defendant therein. The said suit was dismissed on 30.04.2001. An appeal was preferred in A.S.No.219 of 2001 as against the order made in O.S.No.6320 of 1993 and that also came to be dismissed on 08.01.2003 as against which second appeal in S.A.No.2095 of 2003 was preferred and that also came to be dismissed on 18.08.2011. Therefore, there is no impediment for registering the document. But, inspite of the same the respondents have not chosen to register the document. Hence, the petitioner made a representation on 06.01.2014 to the second respondent for execution and registration of the sale deed, but, the same has not been considered so far. Hence, the petitioner has come forward with this petition.

5.Heard the submissions made on either side.

6.This Court without going into the merits of the claim projected by the petitioner, directs the petitioner to give a copy of the representation dated 06.01.2014 along with a copy of this order to the second respondent within a period of one week from the date of receipt of a copy of this order and the second respondent on receipt of the same is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

pri

To

- 1.Tamil Nadu Housing Board
Rep. by its The Managing Director,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.
- 2.The Executive Engineer and Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam Shopping Complex,
Thirumangalam,
Chennai - 600 101.

1 cc to Mr.V.P. Sengottuvel, Advocate, Sr. 21639
1 cc to Mr.V. Anandha Moorthy, Advocate, Sr. 21400

W.P.No.12728 of 2016
And
W.M.P.No.11135 of 2016

CA (CO)
kk 3/5

WEB COPY