

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14386 of 2016

Dr.Gnanasekaran

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Housing Board,
Chennai.

2.The Executive Engineer and
Administrative Officer,
Hosur Housing Unit,
Hosur - 635 - 109.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to register sale deed in favour of the petitioner for flat No.HIG-II, flat No.1224, Phase XVI, Hosur, Krishnagiri District Stage II, Neighbourhood Scheme and hand over the same to the petitioner within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.V.Anandhamoorthy

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 respondents to register the sale deed in his favour in respect of flat No.HIG-II, flat No.1224, Phase XVI, Hosur, Krishnagiri District Stage II, Neighbourhood Scheme and hand over the same to him within a stipulated time.

3. It is the case of the petitioner that he has been allotted a HIG house bearing No.1224 at Hosur Neighbourhood Scheme Phase XVI, Hosur Stage-II under self finance scheme by drawal of lots held on 9.10.2009. The plinth area of the house is 84.50 sq.mts and the plot area is 214.90 sq.mts. The cost of the house is Rs.22,72,000/-. The petitioner paid a sum of Rs.1,14,600/- along with his application and subsequently, deposited a sum of Rs.2,37,000/- as initial deposit of 10% of the cost of the house. The petitioner furnished all the necessary documents required by the second respondent. The second respondent vide letter dated 15.10.2010 informed the Branch Manager of State Bank of India, Vaniyambadi that the sale deed would be issued under intimation to State Bank of India, Vaniyambadi. The petitioner has paid all the amounts demanded by the second respondent and there is no due towards the purchase of the house. The State Bank of India, Vaniyambadi vide letter dated 28.10.2010 issued a demand draft for a sum of Rs.21,34,800/- towards the balance cost of the house allotted to the petitioner. The second respondent issued a letter dated 24.5.2011 requesting the petitioner to take over the possession of the house subject to the fulfilment of all the terms and conditions. Thereafter, the Chief Manager, State Bank of India, Vaniyambadi, issued a letter to the second respondent informing him that the housing term loan of Rs.18.90 sanctioned by them was closed and the mortgage deed created in respect of the said house may be cancelled. He has further informed the second respondent that they have no objection in getting registration of the said property in favour of the petitioner. Subsequently, the petitioner submitted a representation dated 26.8.2013 to the second respondent requesting him to issue sale deed in his favour since he has already paid a sum of Rs.23,74,200/- as outright price on the specified date. Thereafter, the second respondent handed over the said flat vide Ref.HR2/288/2009 dated 25.11.2015 to the petitioner and the petitioner has also taken over possession of the same and is in possession and enjoyment of the house as on date. But, the respondents have not registered the sale deed in favour of the petitioner. Hence, the petitioner sent a representation dated 23.10.2015 to the second respondent requesting him to take immediate steps for handing over the registered sale deed. But, the second respondent has not considered the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

5. Though the present writ petition has been filed for a positive direction to the respondents to register the sale deed in his favour in respect of flat No.HIG-II, flat No.1224, Phase XVI, Hosur, Krishnagiri District Stage II, Neighbourhood Scheme and hand over the same to him, this Court is not inclined to give such a positive direction. However, I find that the representation dated 23.10.2015 sent by the petitioner for handing over the registered sale deed is pending with the respondents. Hence, I am of the opinion, it would be appropriate to direct the respondents to consider the said representation.

6. Accordingly, without going into the merits of the claim made by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 23.10.2015 and pass appropriate orders / take necessary action, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
Tamil Nadu Housing Board,
Chennai.

2.The Executive Engineer and
Administrative Officer,
Hosur Housing Unit, Hosur - 635 - 109.

+ 1 cc to Mr.T.P.Prabakaran, Advocate Sr 24276

+ 1 cc to Mr.V.Anandhamoorthy, Advocate Sr 24505

KR/26/4/16

W.P.No.14386 of 2016