

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14429 of 2016

Dr.A.Bhalaguru Iyyan

... Petitioner

Vs.

The Executive Engineer and Administrative Officer
K.K.Nagar Division
Tamil Nadu Housing Board
Ashok Nagar
Chennai - 600 083.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to execute a sale deed in favour of the petitioner in respect of HIG Flat No.16/6, Tambaram - Mudichur Road, Tambaram.

For Petitioner : Mr.T.Muruga Manickam

For Respondent : Mr.V.Anandhamoorthy

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 respondent herein to execute a sale deed in favour of the petitioner in respect of HIG Flat No.16/6, Tambaram - Mudichur Road, Tambaram.

3.In the petition it has been stated that the petitioner applied for allotment of flat vide Application No.09332. He was allotted Flat No.16/6 and the tentative cost of the flat was fixed at Rs.7,42,900/- and according to the petitioner he made the following payments:

6/10/2006	-	Rs.2,97,200/-
6/10/2006	-	Rs. 10,500/-
13/11/2006	-	Rs.2,34,000/-
6/12/2006	-	Rs.2,00,000/-

Total Rs.7,42,000.00

4.It is further stated that on 13.11.2006, the petitioner addressed a letter to the respondent - Executive Engineer herein enclosing proof of all payments due on the flat and requested for issuance of "No Due Certificate" for the purposes of execution of the sale deed in his favour and the respondent vide letter dated 02.02.2007 indicated that after taking into account the payments made by him a sum of Rs.15,675/- was due and payable as on January 2007, for which payment was made as demanded.

5.It is further stated that vide letter dated 18.07.2007, the respondent again indicated that a payment of Rs.16,940/- was due and payable on account of this flat and that balance was also paid by the petitioner, but inspite of the payment of entire dues payable for the flat, the respondent did not issue "No Due Certificate". Hence, the petitioner vide letter dated 25.08.2014 sought for execution of sale deed. Since there was no reply, the petitioner made a personal visit to the office of the respondent wherein he was provided with a working sheet indicating a balance of Rs.4,88,906/- was due and payable and since it contained discrepancies not only with regard to the payments made but also with regard to the extent and hence, he again issued a letter dated 10.02.2015 pointing out the discrepancies and requested the respondent to rectify the same and execute a sale deed in his favour in respect of the flat allotted to him. Though the said letter was received by the respondent, there is no response. Hence, the petitioner has come forward with this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

7.Though this writ petition has been filed for a positive direction, this Court cannot give such a positive direction. Hence, considering the submissions made on either side, this Court directs the petitioner to give a fresh representation to the respondent within a period of one week from the date of receipt of a copy of this order and the respondent on receipt of the same is directed to consider the same and pass appropriate orders with regard to the execution of sale deed, on merits and in accordance with law, within a period of six weeks thereafter.

It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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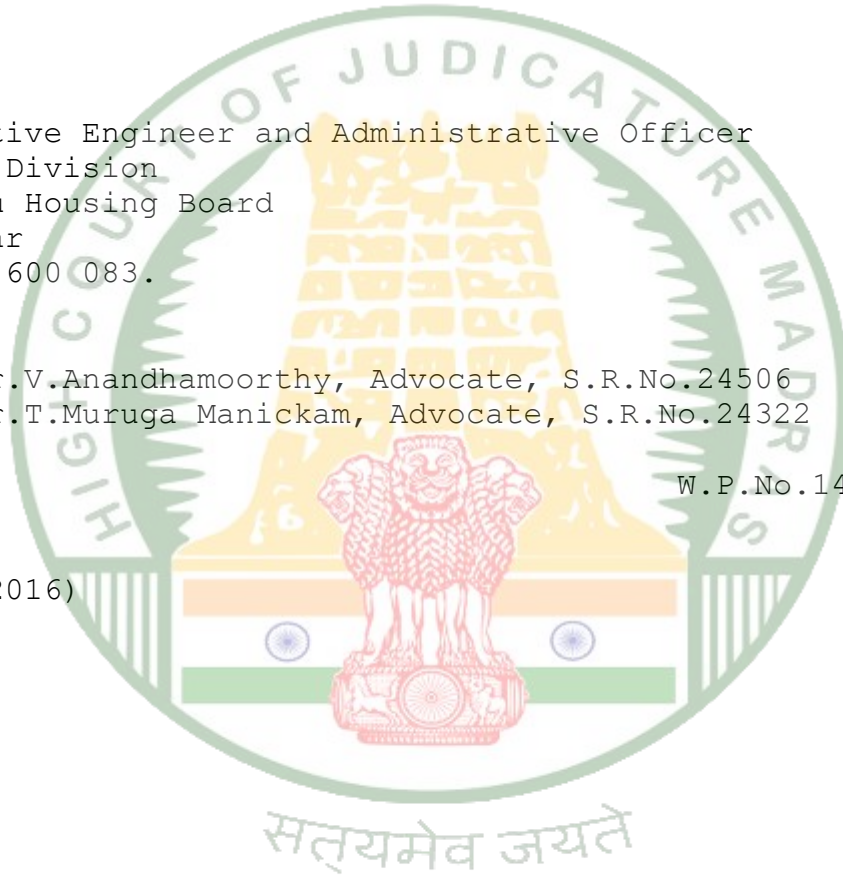
To

The Executive Engineer and Administrative Officer
K.K.Nagar Division
Tamil Nadu Housing Board
Ashok Nagar
Chennai - 600 083.

+lcc to Mr.V.Anandhamoorthy, Advocate, S.R.No.24506
+lcc to Mr.T.Muruga Manickam, Advocate, S.R.No.24322

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CA(CO)
CA(27/05/2016)



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