

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16245 OF 2014

Rajammal (deceased)
substituted by A.Kuppusamy ... Petitioner
vide order, dated 11.12.2015,
in M.P.No.1/2015.

-vs-

- 1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai-600 002.
- 2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401,
Salem District. ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the second respondent to execute the sale deed in favour of the petitioner A.Kuppusamy, S/o.Late Angamuthu, the legal heir of Late Rajammal, wife of Late Angamuthu, on the basis of sale consideration amount received in Sale Receipt No.210980, dated 19.08.1976, by the second respondent from Late Rajammal, Wife of Late Anjamuthu for House No.CHG-26, Coolie Line, Mettur Dam-636 401, Salem District, and also give the Electricity Power Supply Connection to the petitioner's above house.

For petitioner : Mr.A.John Britto

For respondents : Mr.S.K.Rameshwar

O R D E R

The present petitioner is one A.Kuppusamy, who is the son of Tmt. Rajammal, the original writ petitioner. Rajammal is the wife of late Angamuthu, who was an employee of the second respondent, as a Watchman. On account of employment, the original writ petitioner's husband late Angamuthu was granted

permission to occupy one of the houses in the Coolie Line. Subsequently, the respondent Board took a policy decision that they would execute a sale deed in favour of the employee in respect of the house occupied by him, provided he paid the sale consideration of Rs.75/-. Since the original writ petitioner and her husband were in occupation of the residential house bearing No.CGH-26, they wanted to exercise the option. Unfortunately, the original writ petitioner's husband Angamuthu died and it was only during 1976, the guideline value was fixed for the departmental quarters, by proceedings, dated 12.07.1976. The original writ petitioner is said to have paid the sale price for the quarters, but, she would admit that she did not either produce the documents or appear before the authority for getting the documents registered. It appears that not only the original writ petitioner Rajammal did not appear, but other persons, similarly placed like her, also did not appear for enquiry and get the houses registered.

2. Since the superstructure turned out to be dilapidated, the original writ petitioner had to pull it down and put up a small house, for living. At that stage, they approached the respondent Board for necessary sale deed, for grant of electricity service connection, since the property tax assessment stood in the name of second respondent. At that time, the original writ petitioner was informed that unless and until a sale deed was executed in her favour, the property would not be assessed to tax in her name. Thereafter, she had been pursuing the matter. Since no action was taken by the respondents, she filed this Writ Petition.

3. Initially, the prayer in the Writ Petition was for a direction to second respondent to execute the sale deed in favour of Rajammal, based on the sale consideration, which was received in the year 1976, and also to give electricity supply connection to the house. Unfortunately, during the pendency of the Writ Petition, Tmt.Rajammal died and her only legal heir and son Thiru A.Kuppusamy has been substituted in the Writ Petition, and his petition for amendment of prayer was ordered by this Court vide order, dated 02.02.2016, wherein the present writ petitioner seeks for execution of sale deed in his favour.

4. It may be true, that the mother of the present writ petitioner did not appear before the authority at the relevant point of time, but, that, by itself, will not defeat the interest of parties, since the policy decision to sell the house holds good even as on date. In paragraph 7 of the counter affidavit, the second respondent has insisted upon the production of the following five documents by the petitioner, which are as follows :

1. Original PR for remittance of amount of Rs.75/- for sale price
2. Ration Card
3. Original house tax receipts paid so far
4. Residential certificate obtained from Tahsildar/Mettur Dam
5. Consent letter for registration of house CHG 26 in her own cost.

Though this counter affidavit might have been filed when the original writ petitioner was alive, it continues to be relevant, since the present writ petitioner has stepped into her shoes as the legal heir and therefore whatever right that would accrue to her would accrue to him also, as the right accrued to the original writ petitioner was the right, which she got from her husband late Angamuthu, who was an employee of the second respondent.

5. Learned counsel for the petitioner submitted that the petitioner will produce all the four documents required and also give consent letter to bear the cost of registration.

6. In the light of the above facts and circumstances, there will be a direction to the petitioner to comply with the requirement as mentioned in the counter affidavit with regard to production of documents, which have been extracted above, and if the petitioner complies with all the conditions and appears before the second respondent along with a copy of this order, the sale deed shall be executed in his favour, within a period of eight weeks from the date on which the petitioner furnishes all the necessary documents. It is made clear that the stamp duty registration charges shall be borne by the petitioner. It is needless to state that as and when sale deed is executed, it is open for the petitioner to apply for electricity connection in his name, which shall be considered and granted in accordance with the relevant regulations.

7. Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai-600 002.

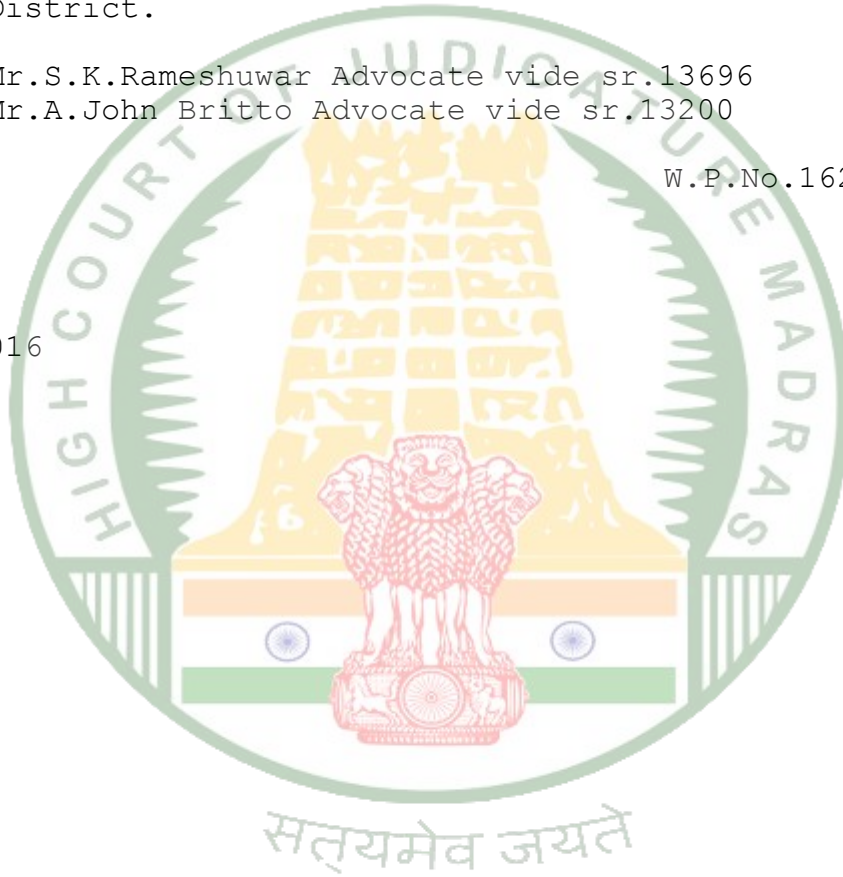
2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Mettur Electricity Distribution Circle,
Mettur Dam - 636 401,
Salem District.

+1 cc to Mr.S.K.Rameshuwar Advocate vide sr.13696

+1 cc to Mr.A.John Britto Advocate vide sr.13200

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