

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A No.2361 of 2012
M.P.No.1 of 2012

S.Senthamarai ...Appellant/Petititioner

Vs

1.Tamilnadu Housing Board
Represented by its Chiarmen-cum-
Managing Director, Nandanam,
Anna Salai, Chennai - 600 035.

2.The Executive Engineer and
Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board,
Besant Nagar, Chennai - 600 090.

3.J.Vijayakumaran ...Respondents/Respondents

Prayer:- Writ Appeal filed under clause 15 of the Letter
Patent against the order dated 28.08.2012 made in W.P.No.19692
of 2012.

Prayer in W.P.No.19692 of 2012:

Writ Petition is preferred under Article 226 of the
Constitution of India praying for the issue of a Writ of
Certiorarified Mandamus to call for the records relating to
the proceedings of the second respondent in letter
No.A.L.1/7297/83 dated 12.7.12 quash the same and direct the
respondents 1 and 2 to execute the sale deed with respect to
the property in MIG Flat No. M.14/7 (Ground Floor) Besant
Nagar Phase-I Scheme Chennai-90 in the joint name of the
petitioner and the third respondent with necessary recitals
protecting the peaceful possession and enjoyment of the
petitioner over the property

For Appellant : Ms.M.Chithira Gomathy

For Respondents: Mr.K.Venkatramani
Additional Advocate General
Assisted by
Mr.V.Anandhamurthy for R1 and R2
Mr.Dhalapathy Vignesh for
M/s.M.Sriram for R3

J U D G M E N T

K.K. SASIDHARAN, J.

This intra court appeal is directed against the order dated 28 August, 2012 in W.P.No.19692 of 2012, whereby and where under, the learned single Judge confirmed the order passed by Tamil Nadu Housing Board, dated 12 July, 2012, taking into account the earlier proceedings in O.S.No.104 of 1996 on the file of the VI Assistant City Civil Judge, Chennai, the related proceedings in A.S.No.197 of 2002 on the file of II Additional Judge, City City Court, Chennai and the judgment in S.A.No.843 of 2004.

2. The appellant lost the litigation before the Trial Court and thereafter before two Courts, including this Court. Subsequently, she filed Special Leave Petition before the Hon'ble Supreme Court. The Special Leave Petition was also dismissed.

3. The Tamil Nadu Housing Board took a decision to execute the Sale Deed in the name of the third respondent. The Board also agreed to indicate the factual position that the appellant is having life interest in the property.

4. We direct the Tamil Nadu Housing Board to execute the Sale Deed in the name of the third respondent. The Sale Deed should specifically indicate that the appellant is having life interest in the property. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. We make it clear that the life interest granted to the appellant shall be protected by the Tamil Nadu Housing Board and by the third respondent.

5. The writ appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Chiarkan-cum- Managing Director,
Tamilnadu Housing Board
Nandanam, Anna Salai, Chennai - 600 035.

2.The Executive Engineer and
Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board,
Besant Nagar, Chennai - 600 090.

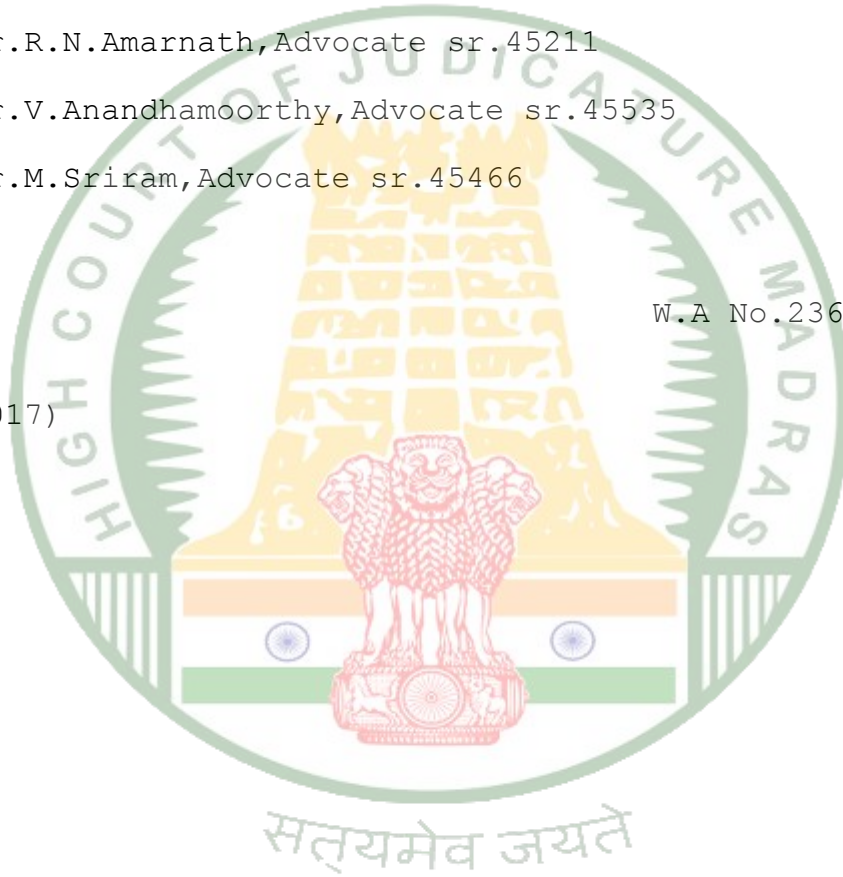
+1cc to Mr.R.N.Amarnath,Advocate sr.45211

+1cc to Mr.V.Anandhamoorthy,Advocate sr.45535

+1cc to Mr.M.Sriram,Advocate sr.45466

W.A No.2361 of 2012

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ss (17/7/2017)



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