



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition(MD)No.16142 of 2015

V.C.Chellappa

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai 45.

2.The Executive Engineer and
Administrative Officer,
Trichy Housing Board Unit,
Kajamali Colony,
Trichy 20.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct 2nd respondent to execute the sale deed in favour of petitioner with respect to plot No. M-188-A in Trichy Navalpattu under Tamil Nadu Housing Board Self Satisfaction (Thanniraivu) Housing Plot System and locate the plot by considering the petitioners representation dated 10.10.2014 and 28.07.2015.

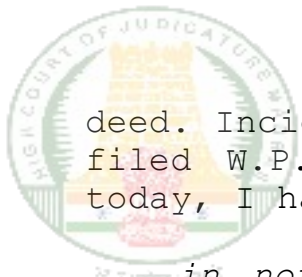
For Petitioner	: Mr.S.Kameswaran
For Respondents	: Mr.V.Sivaramalingam

ORDER

The prayer sought for in this writ petition is for a mandamus to direct the second respondent to execute the sale deed in favour of the petitioner in respect of Plot No.M.188-A in Trichy Navalpattu under Tamil Nadu Housing Board Self Satisfaction (Thanniraivu) Housing Plot System.

2.The grievance of the petitioner is that though he was allotted with Plot No.M.188A, measuring 186.20 sq., mts. and he has also paid the entire sale consideration, the respondents have not executed the sale deed in his favour.

<https://hcservices.ecourts.gov.in/Hcservices/> Reasoning of the respondent Board is that in view of the writ petition filed by one A.Shanthi @ Shanthi Selvaraj who was allotted plot No.M.188, they were unable to execute the sale



deed. Incidentally, the said A.Shanthi @ Shanthi Selvaraj had also filed W.P.(MD)No.10612 of 2011 and when the matter was called today, I had passed the following order:

"7.I do not find anything wrong about the Board in not considering the petitioner's request in view of her conduct in giving up her rights over 186.20 sq mts., in Plot No.M.188-A. The Board has also chosen to allot the remaining portion of 186.20 sq.mts., in favour of V.C.Chellappa by adopting public lot system and therefore, the allotment cannot be said to be illegal. In view of the above findings, I am of the considered view that the petitioner has not made out a case for execution of the sale deed for Plot No.M.188-A. It is pertinent to mention here that the petitioner has not challenged the allotment made in favour of V.C.Chellappa and therefore, the writ petition is liable to be dismissed on that ground also.

8.For all the foregoing reasons, the writ petition stands dismissed. No costs. Consequently, M.P (MD)Nos.1 and 2 of 2011 are closed."

4.In view of the dismissal of the writ petition filed by A.Shanthi @ Shanthi Selvaraj, I do not see any impediment for the respondent Board to execute the sale deed in favour of V.C.Chellappa, the petitioner herein. Under such circumstances, there shall be a direction to the second respondent to execute the sale deed in favour of the petitioner in respect of Plot No.M.188A measuring 186.20 within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above observation, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu Housing Board, 493, Anna Salai, Nandanam, Chennai 45.

2.The Executive Engineer and
Administrative Officer, Trichy Housing Board Unit,
Kajamali Colony, Trichy 20.

+1 cc to M/s.S.Kameeswaran, Advocate in SR.No. 5395

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