



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

CORAM :

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**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

Writ Petition(MD)No.10612 of 2011

and

M.P(MD)Nos.1 and 2 of 2011

A.Shanthi @ Shanthi Selvaraj

... Petitioner

Vs.

1.The Tamil Nadu Housing Board,  
Rep by its Managing Director,  
Nandanam, Chennai.

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to receive the sale consideration of Rs.1,74,030/- and to execute the Sale deed in favour of the Petitioner for Plot No.M-188-A admeasuring 186.20 sq.meters in Phase-II Trichy Housing Unit as per the order of the 2nd respondent dated 25.04.2005.

For Petitioner : Mr.C.Jegannathan for  
M/s.Veera Associates

For Respondents : Mr.V.Sivaramalingam

### **ORDER**

The case of the petitioner is as follows:

The second respondent had allotted plot No.M.188, Anna Nagar Phase II, in favour of the petitioner on 29.11.1986. According to the petitioner, the possession of the property was also handed over to her on 11.02.2005. The said plot No.M.188 measures, 366.20 sq. mts. The petitioner had also approached the Consumer Re-dressal Forum by filing Consumer Original Petition No.220 of 2005 and orders were pronounced on 08.05.2007 whereby a ~~deed~~ order was made to execute the sale deed for a vacant site measuring 180 sq mts was made. It is the case of the petitioner that Plot No.M.188 was bifurcated into two plots namely M.188 and M.188/A.



Since the respondents had executed the sale deed for 180 sq.mts alone in Plot No.M.188, the petitioner has filed the present writ petition seeking for a direction to register Plot No.M.188-A also in her favour.

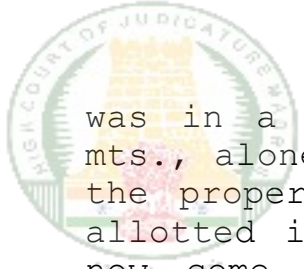
2.Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.V.Sivaramalingam, learned Standing Counsel for the respondents.

3.Learned counsel appearing for the petitioner submits that the respondents had earlier allotted 366.20 sq.mts and had also handed over possession to her on 11.02.2005. Subsequently, since the respondents had demanded for payment of the entire sale consideration within a very short period, the petitioner was unable to make the sale consideration. Learned counsel also urged that from the date of allotment till Plot No.M.188A was allotted in favour of the another person namely, V.C.Chellappa, she made several representations which were not considered by the respondents. He would submit that the respondents are bound to execute the sale deed for Plot No.M.188A in her favour.

4.Learned Standing Counsel for the respondent-board on the other hand submitted that after the allotment of Plot No.M/188 measuring 366.20 was made in favour of the petitioner on 11.02.2005, the allottee had requested the board by a letter dated 18.02.2005 stating she was not in a position to pay the sale consideration for 180 sq mts and that she was willing to pay the sale consideration for 186.20 sq mts alone. Hence, the respondent board had accepted her request and executed sale deed for Plot No.M.188 measuring 180 sqt., mts. alone and consequently, Plot No.M.188 came to be bifurcated into 188 and 188A. Insofar as Plot No.188-A is measuring 186.20 sq mt., is concerned, the board had allotted the same through public lot system on 11.07.2011 in favour of one V.C.Chellappa on 29.08.2011. The allottee had also paid the entire sale consideration for Plot No.188A and the possession has also been handed over to him. The Board is no longer the owner of the property and that they have no right to consider the petitioner's request to execute the sale deed for the property which has already been transferred in favour of V.C.Chellappa.

5.I have given careful consideration to the submissions made by the learned counsel on either side.

6.At the outset, it would be appropriate to point out that the petitioner has no locus to file the present writ petition, in view of her earlier conduct that when the property measuring about 366.20 sq., mts., was offered to her she had expressed her inability to take the same. She had also given a letter dated 18.02.2005 expressing that she was not in a position to pay the sale consideration for 186.20 sq., mts., and that she



was in a position to pay the sale consideration only 180 sq., mts., alone. It was on the specific request of the petitioner that the property in Plot No.M188 measuring 180 sq., mts came to be allotted in her favour. On an afterthought, the petitioner has now come out with a plea that she was all along willing to purchase the remaining extent of land in Plot No.M.188A. The petitioner has complained that the respondents have not considered her representations between the date of allotment and the subsequent allotment.

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.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Managing Director, Tamil Nadu Housing Board,  
Nandanam, Chennai.

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

+1 cc to M/s.Veera Associates, Advocate in SR.No. 5218

sms

CSL/CM-MSA/15.02.2017 : 3P/4C

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