

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.7298 of 2018

Rajabai Jabakani

... Petitioner

vs.

1. The Chairman,
State Housing Board,
36, Mount Road,
Nandhanam,
Chennai - 600 035.

2. The Executive Engineer/ Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar,
Thirumangalam,
Chennai - 600 101.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to cancel the fraudulent transfer of the allotment and sale deed dated 29.07.1987 of the Plot No.2154, West Madras Neighbourhood Scheme - Batch III, A.A.Nagar in favour of Harriat Jayasingh and to transfer the allotment and execute and register the fresh sale deed in petitioner's favour and deliver possession of the Plot No.2154, West Madras Neighbourhood Scheme - Batch III, A.A.Nagar.

For Petitioner : Mr.G.Appavu

For Respondents: Mr.V.Anandamurthy,
Standing counsel

WEB COPY
O R D E R

This writ petition is filed seeking for a mandamus to direct the respondents to cancel the document dated 29.07.1987 styled as transfer of allotment and sale in respect of Plot No.2154, West Madras Neighbourhood Scheme in favour of Harriat Jayasingh and to transfer the allotment and execute and register the fresh sale deed in favour of the petitioner.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. The petitioner is questioning the sale deed executed as early as on 29.07.1987 in favour of one third party, who is not a party in this writ petition, simply by contending that the signature of her husband as well as that of the petitioner were forged in the said document. The contention of the petitioner is that the subject matter property was allotted to the petitioner's husband by the Housing Board and however, a fraudulent document was created as though the petitioner's husband has issued no objection for transfer of such allotment in favour of his sister. Based on such contention, now, the petitioner wants to set aside the sale deed executed in pursuant to the issuance of such no objection.

4. I do not think that the petitioner is entitled to question such transfer after such a long lapse of time, when admittedly, the petitioner is not in possession and enjoyment of the subject matter property and that the subsequent allottee, namely, the sister of the petitioner's husband is also no more. It is also an admitted fact that there are subsequent transfers of the property and consequently, the third party is in possession and enjoyment of the same.

5. When such being the factual position, I do not think that the petitioner is entitled to drag the issue after a long period of time. I find no reason to entertain this writ petition. Hence, the writ petition is dismissed. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

vsi

To

1. The Chairman,
State Housing Board,
36, Mount Road,
Nandhanam,
Chennai - 600 035.

2. The Executive Engineer/ Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar,
Thirumangalam,
Chennai - 600 101.

+1 cc to Mr.G.Appavu, Advocate SR.NO. 23640

+1 cc to Mr.V.Anandhamurthy, Advocate SR.NO. 23796

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KS (CO)

JK 09/04/18