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Cont.P.No.2211 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.2211 of 2018

M.Suseela,
W/o.Duraiselvam,
No.18, Raja Street, Plot No.443,
Soodamani Nagar, Kariakudi 630 003

... Petitioner

Vs

Mr.Shambhu Kallolikal,
The Managing Director,
Tamil Nadu Housing Board Head Office,
No.499, Anna Salai,
Nandanam, Chennai - 600 035.

... Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willfully committing contempt of Court by violating the order dated 06.07.2017 passed by this Hon'ble Court in W.P.No.17179 of 2017.

For Petitioner : Mr.P.Sesubalan Raja
For Respondent : Mr.R.Bharath Kumar,
Standing counsel

ORDER

This Contempt Petition has been filed to punish the respondent for willfully committing contempt of Court by violating the order dated



06.07.2017 passed by this Hon'ble Court in W.P.No.17179 of 2017.

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2. The petitioner was allotted High Income Group (HIG) Plot No.451 vide, allotment order dated 04.02.2011 for the sale consideration of Rs.5,86,500/-. Accordingly, the petitioner had paid the entire sale consideration and got sale deed from the respondent on 29.08.2012.

3. During the first week of June 2015, when the petitioner visited the plot, he found that some encroachment was put up by third party. It further revealed that one Surendran had already filed a civil suit as against the Executive Engineer cum Administrative Officer of the respondent, even prior to the sale of the property to the petitioner.

4. Therefore, the petitioner sent request to the respondent to allot some other plot or return the entire sale consideration with interest, but the same was not considered. Hence, the petitioner had filed a writ petition in W.P.No.17179 of 2017, directing the Executive Engineer cum Administrative Officer to consider his representation. This Court by an order dated 06.07.2017 directed the respondent to consider the request of the petitioner within a stipulated time.

5. Since the same was not considered and as such the petitioner had filed Cont.P.No.2211 of 2018. Pending the contempt petition, the respondent had allotted Plot No.524 in favour of the petitioner. In view of the above, this



Court had closed the contempt petition on 05.04.2019.

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6. Though the petitioner was allotted Plot No.524, the respondent vide letter dated 02.04.2019 instructed to cancel the earlier sale deed at his expenses. That apart he has to bear expenses for getting sale deed in respect of New Plot No.524. The cancellation of the earlier sale deed charges is at Rs.1,02,811/- and the registration and stamp duty for the second sale deed, the petitioner has to pay a sum of Rs.2,05,622/-.

7. Admittedly, the petitioner is a bonafide purchaser of the earlier Plot No.451 and he duly paid stamp duty and the registration charge while registering the sale deed dated 29.08.2012. Since there was no fault on the petitioner, the earlier allotment was cancelled and the petitioner was allotted alternate Plot No.524. In fact, the respondent suppressed the fact that there was suit between Surendran and the respondent in respect of the subject property namely Plot No.451 and sold in favour of the petitioner.

8. Therefore, the respondent rightly cancelled the earlier allotments and allotted New Plot No.524 in favour of the petitioner. However, for cancellation of the earlier sale deed and registration of new sale deed the expenses comes to Rs.3,09,000/-. It is not proper to direct the petitioner to pay entire charges namely the cancellation of the sale deed as well as the registration of the new sale deed.



9. It would be appropriate to direct the petitioner as well as the respondent to share the stamp duty and registration charges of cancellation deed in respect of Plot No.451 and the stamp duty and registration charges of fresh sale deed in respect of Plot No.524 equally. It is made clear that it should be executed within a period of **two weeks** by the petitioner and the respondent herein.

10. With the above directions, this contempt petition is disposed of.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

rna

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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IM/19/11/2021

To

The Managing Director,
Tamil Nadu Housing Board Head Office,
No.499, Anna Salai,
Nandanam, Chennai - 600 035.