

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.12252 of 2013 and 29564 of 2014
and M.P.No.1 of 2013 & 1 of 2014
in W.P.No.12252 of 2013

M.Inbaraj ... Petitioner in both the W.Ps

Vs.

1.The Government of Tamil Nadu,
rep by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai - 600 009.

2.The Member Chairman,
Tamil Nadu Housing Board,
TNHB - Buildings,
Nandanam,
Chennai - 600 035.

3.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Housing Board Shopping Complex,
Thirumangalam,
Chennai - 600 050.

4.S.Venkatesh

5.F.Bastin ... Respondents 1 to 5 in both W.Ps

6.The Sub Registrar,
Office of the Sub Registrar,
Konnur,
Chennai - 600 049.

- 6threspondent in W.P.29564/2014

(R4 & R5 - impleaded vide order dated 12.08.2020 made in
M.P.No.2 of 2014)

W.P.No.12252 of 2013 filed under Article 226 of the Constitution of India for issuing a writ of mandamus to direct the respondents 1 & 2 to consider and convey the writ petition schedule land more fully described in the schedule hereunder to the writ petitioner within the time fixed by the Court as per the petition made on 30.01.2010 at the cost of the prevailing guideline value of the State Government, consequently direct the 2nd respondent to execute the sale deed in favour of the petitioner.

SCHEDULE - All piece and parcel of waste vacant land of an extent of 1,606 sq.fts., situated in Survey No.471/C5 - Part Village No.80, Mogappair Village, Ambattur Taluk within the four boundaries of North by: 40 feet panchayat Road - 7th Block; South by: private land belongs to M.Inbaraj (i.e. Writ petitioner herein); East by: private house and lands belong to Mr.Thangaraj & others; and West by: housing board plot No.404/7 belongs to Mr.Srinivasan.

W.P.No.29564 of 2014 filed under Article 226 of the Constitution of India for issuing a writ of mandamus to direct the respondents 1 to 3 herein to cancel the sale deed document No.4589 of 2011 and registered in the office of the Sub Registrar of Konnur, Chennai on 21.09.2011 executed by the 3rd respondent to and in favour of the respondents 4 & 5, consequently direct the 6th respondent to enter in the appropriate register the above said cancellation.

For Petitioner : Mr.E.Sathish Kumar
(in both W.Ps) for Mr.M.S.Mani

For Respondents : Mr.M.Elumalai,
(in both W.Ps) Government Advocate (R1)

Mr.R.Bharath Kumar,
Standing Counsel - TNHB (R2 & R3)

Mr.A.R.Karthik Lakshman
for M/s.AL.Gandhimathi (R4 & R5)

C O M M O N O R D E R

Since the issues involved in both the Writ Petitions are common, both the Writ Petitions are disposed of by this common order.

2.W.P.No.12252 of 2013 has been filed by the petitioner to issue a Writ of mandamus directing the respondents 1 & 2 to re-convey the acquired land within a time frame, considering the petition dated 30.01.2010 at the prevailing guideline value of the State Government, consequently, direct the 2nd respondent to execute the Sale Deed in favour of the petitioner.

3.W.P.No.29564 of 2014 has been filed by the petitioner to issue a Writ of Mandamus directing the respondents 1 to 3 to cancel the Sale Deed dated 21.09.2011 executed by the 3rd respondent in favour of the respondents 4 & 5 before the Sub Registrar, Konnur, Chennai and consequently, direct the 6th respondent to enter in appropriate document in respect of the cancellation of the Sale Deed.

4.So far as W.P.No.12252 of 2013 is concerned, Mr.M.Elumalai, learned Government Advocate appearing for the 1st respondent submitted that the petitioner had participated in the enquiry proceedings and also in the Award proceedings in Award No.14/1983 dated 15.09.1983. Further, the petitioner had also received the compensation from the respondents, hence, the question of re-conveyance does not arise. Mr.R.Bharath Kumar, learned Standing Counsel for the respondents 2 & 3 also reiterated the stand of the learned Government Advocate. Since the petitioner had participated in the acquisition proceedings and also received the compensation after participating in the Award proceedings, the question of re-conveyance does not arise. In such view of the matter, I am not inclined to entertain this Writ Petition.

5.W.P.No.29564 of 2014 has been filed by the petitioner for cancellation of the Sale Deed executed by the 3rd respondent in favour of the respondents 4 & 5. In a Writ Petition, the petitioner cannot seek for cancellation of the Sale Deed. The remedy open to the petitioner is to approach appropriate Civil Court for cancellation of the Sale Deed. In such view of the matter, I am not inclined to entertain this Writ Petition.

6.With the above observations, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.
 - 2.The Member Chairman,
Tamil Nadu Housing Board,
TNHB - Buildings, Nandanam, Chennai - 600 035.
 - 3.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Housing Board Shopping Complex,
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 - 4.The Sub Registrar,
Office of the Sub Registrar,
Konnur, Chennai - 600 049.
- +3CC to Govt. Pleader High Court Sr.26711

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in W.P.No.12252 of 2013
(2/2)

VG(SO)
R.V(01.09.2020)



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