



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28309 of 2016

and

W.M.P.Nos.24410 & 24411 of 2016

P. Muthukumar

.... Petitioner

Vs

1. The District Registrar,  
Coimbatore.

2. The Sub Registrar,  
Ganapathy,  
Coimbatore District.

3. The Executive Engineer-cum-  
Administrative Officer,  
Coimbatore Housing Development Department,  
Tamil Nadu Housing Board,  
Tatabad, Coimbatore - 12.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 14.07.2016 of the second respondent in Sa.Pa.Na.Ka.No.672/2016 and the impugned proceedings dated 24.01.2014 in Letter No.CHU9/9423/2012 of the 3<sup>rd</sup> respondent and quash the same and consequently direct the 2<sup>nd</sup> respondent herein to forthwith register the sale agreement dated 14.07.2016 presented for registration before the 2<sup>nd</sup> respondent in respect of the property of an extent of 2934 sq.ft in Plot No.MIG-4 in T.S.No.57/3 Part in Ganapathy Village, Coimbatore.

For Petitioner : Ms.AL. Gandhimathi

For R1 & R2 : Mr.P.Sathish  
Additional Government Pleader

For R3 : Mr.R.Bharath Kumar



## ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order dated 14.07.2016 of the second respondent in Sa.Pa.Na.Ka.No.672/2016 and the impugned proceedings dated 24.01.2014 in Letter No.CHU9/9423/2012 of the third respondent, quash the same and consequently direct the second respondent herein to forthwith register the sale agreement dated 14.07.2016 presented for registration before the second respondent in respect of the property to an extent of 2934 sq.ft in Plot No.MIG-4 in T.S.No.57/3 Part in Ganapathy Village, Coimbatore.

2. Heard, Ms.AL.Gandhimathi learned counsel appearing for the petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.R.Bharath Kumar, learned counsel appearing for the third respondent.

3. The property comprised in survey No.57/3 Part, to an extent of 2934 sq.ft in Plot No.MIG-4, Ganapathy SFS Scheme developed by the Tamil Nadu Housing Board. It was allotted to one Jagadeesan by an allotment order in the month of December 2000 at the cost of Rs.5,53,000/-. As per the allotment order, on receipt of the sale consideration, the sale deed was executed in favour of the said Jagadeesan by a registered sale deed dated 31.12.2010 vide document No.387 of 2011. In turn, the said Jagadeesan executed a Power of Attorney in favour of one K.Rangasamy by a registered Deed of Power of Attorney dated 21.01.2011 vide document No.72 of 2011. In turn, the said Power of Attorney sold out the property to K.Selvaraj and S.Sudha by a registered sale deed dated 10.10.2011 vide document No.6344 of 2011. In turn, the said K.Selvaraj and S.Sudha intended to sell the property in favour of the petitioner and entered into an agreement for sale with them on 14.07.2016 for a total sale consideration of Rs.29,34,000/- and also paid a sum of Rs.28,00,000/- as advance. The agreement for sale was presented for registration on 14.07.2016 before the second respondent. The second respondent, by the impugned check slip dated 14.07.2016, returned the agreement for sale alleging that the subject property, which is sought to be sold under the agreement, has been sold in violation of the rules and regulations of the Tamil Nadu Housing Board. Therefore, the third respondent, by a letter dated 24.01.2014, instructed the second respondent not to execute any document in respect of the subject property.



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4. The counter filed by the second respondent reveals that the third respondent issued communication dated 24.01.2014 in a letter No.CHU9/9423/2012 stating that the subject property was sold in violation of the rules and regulations of the Tamil Nadu Housing Board.

5. The learned counsel for the third respondent submitted that now a disciplinary proceeding has been taken as against the officials, who violated the rules while executing the sale deed in favour of the said Jagadeesan.

6. The counter filed by the third respondent reveals that the Tamil Nadu Housing Board has developed the housing Scheme to an extent of 16.62 acres comprised in survey No.55/1, 56/1A, 57/3 & 4, 61/2 situated at Ganapathy Village under the Ganapathy Neighbourhood Scheme. The layout was approved by the local planning authority and the subject land was ear marked and approved for the future development. Therefore, the land is not suitable for regular residential plots and hence the same was kept vacant. The layout was approved by the competent authority of the Board, the cost of the residential plots should be approved by the Board. However, the Executive Engineer & Administrative Officer one Ramamuthy, Housing Board, has not followed the allotment procedures and colluded with some other officials and allotted MIG Nos.1, 2, 3, 4, 5, 6 & 7. One of the plot was allotted in favour of the said Jagadeesan as against the Tamil Nadu Housing Board rules and regulations. Therefore, the third respondent issued a letter to the second respondent not to register any sale deed in respect of the property.

7. As stated supra, the said Jagadeesan purchased the said plot for a valid sale consideration through a sale deed registered in his favour. Thereafter, two transactions were made in the subject property. That apart, there is no restraint order as against the second respondent registering the document in respect of the subject property. If at all, the third respondent intend to proceed as against the said property, the third respondent can very well proceed. But the registration cannot be denied in respect of the subject property on the objections raised by the third respondent herein.

8. In view of the above, the impugned order dated 14.07.2016 in Sa.Pa.Na.Ka.No.672 of 2016 passed by the second respondent is hereby set aside. Insofar as communication dated 24.01.2014 issued by the third respondent to the second respondent cannot be set aside, since it is only inter



communication between the third respondent and the second respondent and the petitioner is no locus to challenge the same. The petitioner is directed to re-present the agreement for sale dated 14.07.2016 for registration before the second respondent and on receipt of the same, the second respondent is directed to register and release the same. It is also made clear that the third respondent can very well proceed as against the subject property, if there is any illegality committed by its own officials.

9. With the above direction, the writ petition is partly allowed. Consequently, connected miscellaneous petitions are closed. No costs.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The District Registrar,  
Coimbatore.
2. The Sub Registrar,  
Ganapathy,  
Coimbatore District.
3. The Executive Engineer-cum-  
Administrative Officer,  
Coimbatore Housing Development Department,  
Tamil Nadu Housing Board,  
Tatabad, Coimbatore - 12.

+lcc to the Government pleader Sr.66224  
+lcc to Mr.R.Bharath Kumar, Advocate Sr.66696  
+lcc to Mrs.A.L.Ganthimathi, Advocate Sr.66308

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and  
W.M.P.Nos.24410 & 24411 of 2016

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srg 03/01/2022