



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29129 of 2016

and

W.M.P.No.25172 of 2016

1.Smt.R.Lakshmi Devi (Deceased)
2.R.Padmanabhan
3.R.Ramkumar
(P2 & P3 substituted as Lrs of Deceased
sole petitioner vide order dated 30.09.2021
made in W.M.P.No.21860 of 2021
in W.P.No.29129 of 2016)

...Petitioners

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai 600 035.
2. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board, Anna Nagar Division,
Tirumangalam Shopping Complex, Tirumangalam,
Chennai 600 101.
3. Mrs.V.Porkodi

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondent to execute a Deed of Cancellation with the third respondent and register the same before the Sub-Registrar Konnur, to cancel the Rectification Deed executed on 22/03/2013 by the first and second respondent with the third respondent and registered as Document No.1434/2013 on the file of Sub-Registrar Konnur.

For Petitioners : Mr.D.Sreenivasan

For Respondents : Mr.R.Bharathkumar
[For R1 and R2]

Mr.T.K.S.Bharathy Anandaraaj
[For R3]



ORDER

The relief sought for in the present writ petition is to direct the first and second respondent to execute a Deed of Cancellation with the third respondent and register the same before the Sub-Registrar Konnur, to cancel the Rectification Deed executed on 22.03.2013 by the first and second respondent with the third respondent and registered as Document No.1434/2013 on the file of Sub-Registrar Konnur.

2. The Original writ petitioner Smt.R.Lakshmi Devi died during the pendency of the petition and their legal heirs are impleaded as writ petitioners. Plot No.1026, 44th Street, TVS Colony, Anna Nagar West Extension, Chennai - 600 101 in Survey No.290 part of Padi Village, was originally allotted to and then purchased by one Mr.M.G.Venugopal, S/o.Mr.N.Govindarajan, husband of the third respondent from Tamil Nadu Housing Board by Deed of Sale dated 30.12.1985 and registered as Document No.32/1986 on the file of SRO, Anna Nagar. The said Mr.M.G.Venugopal had entered into an agreement and sale on 31.07.1985 in favour of the original writ petitioner and possession as well as the documents pertaining to the property were handed over to the original writ petitioner Late Smt.Lakshmi Devi and an irrevocable Power of Attorney dated 31.07.1985 was registered by Mr.M.G.Venugopal in favour of the son of the original writ petitioner Mr.R.Ramkumar and thereafter, the petitioner purchased the property by Deed of Sale dated 09.01.1986 in Document No.58/1986 on the file of Sub-Registrar, Anna Nagar. The Tamil Nadu Housing Board had executed a Release Deed dated 01.12.1989 in favour of the said Mr.M.G.Venugopal, registered as document No.1585/1990 on the file of Sub-Registrar, Anna Nagar and the original document was also handed over to the original writ petitioner by the said Mr.M.G.Venugopal.

3. The other disputes and issues raised between the petitioner and third respondent need not be gone into by this Court in the present writ proceedings as such disputes, which all are of Civil nature, are to be adjudicated before the competent Civil Court of Law.

4. The learned counsel appearing on behalf of the Tamil Nadu Housing Board made clear that Housing Board has allotted the plot and executed the Sale Deed in favour of the allottee and therefore, they are no way connected with the disputes between the petitioner and the third respondent.

5. Perusal of the affidavit as well as the counter affidavit filed on behalf of the first respondent Tamil Nadu Housing Board would reveal that the parties have already filed



the Civil Suit in O.S.No.49 of 2015 and the said suit was decreed in favour of the petitioner. Under these circumstances, it is for the petitioners to redress their grievances in the manner known to law and more specifically, through the competent Civil Court of Law. Contrarily, High Court cannot adjudicate such Civil disputes in a writ proceedings under Article 226 of the Constitution of India as such adjudication requires verification of documents and examination of witnesses.

6. The learned counsel for the third respondent brought to the notice of this Court against the decree passed in favour of the petitioner, the third respondent filed Appeal Suit in A.S.No.379 of 2012 before the High Court and the said appeal is pending. This being the factum, the parties are at liberty to adjudicate the issues before the competent Court of Law.

7. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai 600 035.
2. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board, Anna Nagar Division,
Tirumangalam Shopping Complex, Tirumangalam,
Chennai 600 101.

+1cc to Mr.T.K.S.Bharathy Anandraj, Advocate, S.R.No.53743

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.54074

+1cc to Mr.D.Sreenivasan, Advocate, S.R.No.54185

W.P.No.29129 of 2016

RLD(CO)
SU(01/11/2021)