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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.36093 OF 2016

&

W.M.P.NO.31011 OF 2016

S.Arumugam

... Petitioner

Vs.

1. Tamilnadu Housing Board
Rep. by its Executive Engineer and
Administrative Officer,
Erode Housing Unit,
Surampatti Four Roads,
Erode - 638 009.

2. Manager - Marketing and Service,
Erode Housing Unit,
Tamilnadu Housing Board,
Surampatti Four Roads,
Erode - 638 009.

3. The Sub-Registrar No.2,
O/o, The Sub-Registrar No.2
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter No.R3/9301/98 Dated 06.09.2016 on the file of the 2nd Respondent and quash the same; consequentially direct the Respondents 1 and 2 to execute and register a fresh Sale Deed in favour of the Petitioner instead of the Sale Deed dt. 06.05.2016 as Document No.3573/2016 on the file of Joint -2 Sub-Registrar, Erode and to release the same to the petitioner within a reasonable time to be fixed by this Court.



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For Petitioner : Mr.A.Asif Basha
For Respondents : Mr.R.Bharath Kumar
1 & 2
For Respondent 3 : Mr.R.P.Murugan Raja
Government Advocate

O R D E R

The learned counsel for the petitioner made a submission that the alleged execution of bogus sale deed and the registration of the criminal case is not connected with the Writ Petition. Of course, the writ petitioner is an allottee and paid tentative cost and he is ready and willing to settle final cost to be paid to the Tamil Nadu Housing Board.

2. In respect of the alleged bogus sale deed, criminal case was registered against the officials of the Tamil Nadu Housing Board. In the event of Collusion / conspiracy or otherwise, the petitioner has to establish the same in the criminal case. As far as the allotment is concerned it is not disputed by the Tamil Nadu Housing Board. Thus, the petitioner is allotted with the housing board property and based on the allotment, he has paid tentative cost. Therefore, the petitioner is liable to pay final cost and he has also agreed to settle the final cost for proper execution of sale deed by the Tamil Nadu Housing Board.

3. This being the factum, the respondents are directed to initiate all appropriate steps to confirm the allotment and execute documents, in accordance with law, if full and final cost is paid by the petitioner to the satisfaction of the Tamil Nadu Housing Board.

4. As far as the criminal case is concerned, it is for the parties to defend in the manner known to law.

5. Consequently, the impugned order dated 06.09.2016 passed in Letter No.R3/9301/98 is quashed and the petitioner in the event of settling the full and final cost to the Tamil Nadu Housing Board, the respondents shall initiate all appropriate steps to confirm the allotment and execute all necessary documents for the said purpose.



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6. Accordingly, the Writ Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer and Administrative Officer,
Tamilnadu Housing Board
Erode Housing Unit,
Surampatti Four Roads,
Erode - 638 009
2. The Manager - Marketing and Service,
Erode Housing Unit,
Tamilnadu Housing Board,
Surampatti Four Roads,
Erode - 638 009
3. The Sub-Registrar No.2,
O/o, The Sub-Registrar No.2
Erode.

+lcc to Mr.A.Asif Basha, Advocate, S.R.No.69614

W.P.No.36093 of 2016

EV(CO)

RLP(11/01/2022)