



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19034 of 2021
and
W.M.P.No.20297 of 2021

N.V.Banumathi

....Petitioner

Vs.

The state rep by
1. The Chairman,
Tamil Nadu Housing Board,
CMDA Complex, E&C Market Road,
Koyambedu, Chennai-600 017.

2. The Executive Engineer Cum Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Anna Nagar, Chennai-600 040 .

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records pertaining to the order of the proceedings of the 2nd respondent in No.K.K.N.B2/6255/09, dated 06.08.2021 and to quash the same and consequently direct the respondents to issue sale deed to the petitioner in respect of the Plot No.174, 10th street, IInd Sector, TNHB, K.K.Nagar, Chennai-78, in Survey No.394/1, in Kodambakkam Village based on the available original document such as the allotment order dated 25.04.68 issued by the 1st respondent and the communication dated 28.01.86 & 03.11.88 bearing No.123/7909/86 issued by 2nd respondent.

For Petitioner : Mr.R.Thirumoorthy

For Respondents

R1 & R2 : Mr.R.Bharathkumar



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to quash the impugned order of the 2nd respondent in No.K.K.N.B2/6255/09, dated 06.08.2021 and consequently to direct the respondents to execute the sale deed in favour of the petitioner in respect of the property in Survey No.394/1 in Kodambakkam Village based on the allotment order dated 25.04.68 issued by the 1st respondent and the communication dated 28.01.86 & 03.11.88 bearing No.123/7909/86 issued by 2nd respondent.

2.The case of the petitioner is that the property in Survey No.394/1, in Kodambakkam Village was originally allotted to the petitioner's elder sister by the 1st respondent on 25.04.1968 vide Lr.No.5178/HIII/68 under Artisan Scheme and she has paid the full consideration amount for the above said property and the same was acknowledged by the 2nd respondent vide letter dated 03.11.1988. The petitioner's elder sister namely, N.V.Kasthuri died on 27.03.1992 leaving behind the petitioner as her sole legal heir as the said Kasthuri died as a spinster. Thereafter, the Jurisdictional Thasildar, Mambalam, Guindy Taluk issued legal heir certificate to the petitioner vide order dated 05.08.2009. Since, the sale deed for the said property was not executed in favour of the petitioner's elder sister, the petitioner made several representations to the 2nd respondent, however, no orders were passed on the petitioner's representation.

3. It is further submitted that, the petitioner filed a Writ Petition in W.P.No.18861 of 2020 thereafter, and this Court by its order dated 18.01.2021 disposed of the petition with a direction to the 2nd respondent to consider the petitioner's representation dated 21.10.2020 and pass final order on merits within a period of 12 weeks. Thereafter, the petitioner submitted a representation along with the copy of the said order to the respondent on 05.02.2021 and the 2nd respondent vide communication dated 06.08.2021, rejected the petitioner's representation without verifying the available records maintained by the authority on the ground that the petitioner has not furnished the payment receipt, however it was held that the petitioner's request will be considered after furnishing original document and receipt for the payment made by the petitioner's elder sister towards the consideration to the plot. Challenging the communication of the 2nd respondent vide order dated 06.08.2021, this Writ petition is filed.



4. The learned counsel appearing for the petitioner submits that the petitioner is in full possession of the entire original documents and will produce the same before the 2nd respondent within a period of one week from the date of receipt of a copy of this order. He further submitted that, it would suffice, if this Court issues direction to the 2nd respondent to pass appropriate orders and issue sale deed in favour of the petitioner.

5. The learned counsel appearing for the respondents submitted that if the petitioner produces the original documents, the same will be considered and appropriate orders will be passed for execution of sale deed in favour of the petitioner in accordance with law within the time stipulated by this Court.

6. In view of the above submissions, the facts being not disputed, this Court is inclined to issue direction to the petitioner to produce all the original documents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on the same being produced, the 2nd respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter. Further taking into consideration the age of the petitioner, the respondents shall not insist on the production of original payment receipt and the payment made towards the said allotment may be ascertained by the respondents from its own records.

7. The Writ Petition is disposed of with the aforesaid direction. No costs. Consequently connected Miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

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To

1. The Chairman,
Tamil Nadu Housing Board,
CMDA Complex, E&C Market Road,
Koyambedu, Chennai-600 017.



2. The Executive Engineer Cum Administrative Officer,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Anna Nagar, Chennai-600 040.

+1cc to Mr.R.Thirumurthy, Advocate Sr.66354
+1cc to Mr.R.Bharathkumar, Advocate Sr.65572

W.P.No.19034 of 2021
and
W.M.P.No.20297 of 2021

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