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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.25025 of 2019

M.Ansar

... Petitioner

Vs.

1. The Tamil Nadu Housing Board,
Rep. By its
Managing Director,
493, Anna Salai,
Nandanam, Chennai-35.

2. The Manager
Marketing & Service
Mogappair Division,
Thirumangalam, Chennai-101.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the representation dated 20.06.2007 to cancel the sale deed issued in favour of the impersonator registered as document bearing No.7436 of 2007 at the office of the Ambattur, Chennai.

For Petitioner : Mr.A.B.Ravichandran

For Respondents : Mr. R.Bharat Kumar
Standing Counsel

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to consider the representation dated 20.06.2007 to cancel the sale deed issued in favour of the impersonator registered as document bearing No.7436 of 2007 at the office of the Ambattur, Chennai.

2. The case of the petitioner is that the Housing Board allotted a plot bearing No.7436 of 2007 in favour of one Haja Allaudeen. But the said Haja Allaudeen was not able to paid the monthly installment to the Housing Board. Hence, the said Haja



Allaudeen requested the petitioner to pay the monthly installment. Accordingly, the petitioner has paid all the monthly installment to the housing board. Thereby, the said Haja Allaudin executed a power of attorney in favour of the petitioner vide document No.792 of 2005 on 11.08.2005. After the payment of entire amount, the petitioner came to know that the property stood in the name of the said Hala Allaudeen and Muthuvel is the power agent. The said Muthuvel and witnesses one Vijaya and Kuppusamy conspired together and impersonated a fake person and executed a sale deed. Hence, the petitioner made a complaint before the law enforcing agency, Thirumullaivoyal as well as the respondents for taking action against the persons, who cheated the petitioner and to cancel the sale deed. Since the same was not considered by the respondents, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the petitioner is a power agent of the said property and he has every right to make a representation to cancel the sale deed, which was executed in favour of the fake person. Hence the learned counsel prays that this Court may issue a suitable direction to the respondents to consider the petitioners representation dated 20.06.2007 to cancel the sale deed within the stipulated time as fixed by this Court.

4. The learned Standing counsel for the respondents submitted that initially, the sale deed was executed in favour of the said Haja Allaudeen, who is an allottee. If there is any grievance, the allottee has to made a complaint before the Housing Board. However, in the present case, the petitioner claims to be a power agent and he has made a representation to the Housing Board to cancel the sale deed, which is not sustainable. If the allottee will made a complaint to the respondents, the same will be considered in accordance with law.

5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondents and perused the materials available on record.

6. It is admitted that the plot was originally allotted to one Haja Allaudin in the year 2005 and the petitioner was not allotted by any plots by the respondents. The learned counsel for the petitioner submitted that the petitioner has paid all the installments for the said plot on behalf of the original allottee, for which, the said Haja Allaudin, who is the original allottee, executed a power of attorney in favour of the petitioner. After made entire payment, the petitioner came to know that the property stood in favour of one Vijaya. Thereby, the petitioner, being a power agent, made a complaint before the Law Enforcing Agency as well as the Housing Board to cancel the sale deed which was executed by the fake persons, which is not admissible. The



original allottee only can make a complaint before the Housing Board to take action against the impersonator and to cancel the sale deed. Hence, this Court does not find any valid reason to direct the respondents.

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6. In view of the above discussion, this Court has no hesitation to reject the claim of the petitioner and there is no merit in the writ petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam, Chennai-35.
2. The Manager
Marketing & Service
Mogappair Division,
Thirumangalam, Chennai-101.

+1cc to M/s.Adithya Varadharajan, Advocate, S.R.No.63557

+1cc to M/s.R.Bharath Kumar, Advocate, S.R.No.63684

W.P.No.25025 of 2019

AJS (CO)
SU(23/12/2021)