

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.7090 of 2017

Isaivani

...Petitioner

Vs

1. The Executive Engineer
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bagalur Road,
Hosur - 635 109.

2. The Managing Director
Tamil Nadu Housing Board
Office at Nandanam
Chennai - 600 035

(second respondent suo-motu impleaded as
a party to the writ petition as per the order
dated 22.01.2021 passed in WP No. 7090
of 2017)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to receive the price of the housing plot bearing number 170A and situated in New ASTC, HUDCO, Phase VIII, Hosur from the petitioner in pursuance of the order passed by the first respondent on 20.08.2015 in HR-11/163/2012 and execute necessary sale deed or any other suitable conveyance deed in her favour within the time frame that may be fixed by this Court.

For petitioner

... Mr.R.Rajamani

For respondents

... Mr.R.Bharth Kumar

for the 1st Respondent

ORDER

Suo-motto, the Managing Director of the Tamil Nadu Housing Board is impleaded as second respondent in this writ petition as he is a necessary party for adjudication of this writ petition.

2. This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to receive the price of housing plot bearing number 170A and situated in New ASTC,

HUDCO, Phase VIII, Hosur from the petitioner in pursuant to the order passed by the first respondent on 20.08.2015 and execute a sale deed in favour of the petitioner, within a time frame to be fixed by this Court.

3. It is the case of the petitioner that a provisional allotment order was made in favour of the petitioner for the aforementioned property on 20.08.2015 and thereafter an application was also submitted by the petitioner with the first respondent. According to the petitioner, she has also paid the registration fee to the first respondent, which was duly acknowledged by them on 21.08.2015. Further, it is the case of the petitioner that the bank has also sanctioned loan for the purchase of the vacant plot. Thereafter, the petitioner has given representations to the Managing Director of Tamil Nadu Housing Board on 14.03.2016 and 15.10.2016 requesting him to direct the Tamil Nadu Housing Board to execute the sale deed on receipt of the sale consideration from the petitioner. It is the case of the petitioner that till date, the said representations have not been considered and the sale deed has not been executed by the Tamil Nadu Housing Board / TNHB in her favour. In such circumstances, this writ petition has been filed.

4. Heard Mr.R.Rajamani, learned counsel for the petitioner and Mr.R.Bharth Kumar, learned Standing counsel for the respondent / TNHB.

5. According to the learned Standing counsel appearing for the respondents, the petitioner is owning other properties and therefore, she is not entitled for allotment of the vacant plot. Further, according to him, she is a subsequent purchaser from the original allottee. However, he would submit, on instructions, that the respondents are willing to consider the petitioner's representation dated 20.08.2015 on merits and in accordance with law.

6. The positive direction sought for in this writ petition cannot be granted by this Court. It is for the respondents to consider the petitioner's representation seeking for allotment and for execution of a sale deed based on merits and in accordance with law. No prejudice will be caused, if the petitioner's representations are directed to be considered by the respondents on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the respondents to consider the petitioner's representations, dated 14.03.2016 and 15.10.2016 requesting them to receive the balance sale consideration and execute the sale deed for the property being plot bearing number 170A, situated in New ASTC,

HUDCO, Phase VIII, Hosur and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(cs ii)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Executive Engineer
Tamil Nadu Housing Board,
Hosur Housing Unit,
Bagalur Road,
Hosur - 635 109.

2. The Managing Director,
Tamil Nadu Housing Board,
Office at Nandanam,
Chennai-35.

+1cc to M/s.R.Rajamani, Advocate, S.R.No.3869

W.P. No.7090 of 2017

nra(CO)
rv(29/01/2021)

सत्यमेव जयते

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