



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30349 of 2019

1.D.Vimala Devi

2.S.Subramaniam

3.S.Sathish Kumar

4.S.Subhashini

5.S.Suresh Kumar

... Petitioners

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nanadanam, Chennai 600035.

2.The Executive Engineer cum Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Tatabath, Coimbatore 641 012.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the Respondents to consider the Petitioners representation dated 19.08.2019 for execution and registration of Sale Deed in favour of the 1st Petitioner for which the petitioners 2 to 5 have no objection in respect of the Plot bearing No. 352, EWSB, measuring an extent of 40 sq.mts. Ganapathy Phase I, S and S Scheme, Coimbatore within a time frame as may be fixed by this Court.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : Mr.R.Bharathkumar
Standing Counsel (TNEB)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the Respondents to consider the Petitioners representation dated 19.08.2019 for execution and



registration of Sale Deed in favour of the 1st Petitioner.

2. The case of the petitioner is that the 1st petitioner's mother V.Rajammal was allotted a vacant housing plot bearing No.352, EWSB, measuring an extent of 40 sq.mts in Ganapathy Phase I, S and S Scheme, Coimbatore by the Tamil nadu Housing Board in the year 1990. The petitioner is the daughter of the said V.Rajammal, 2nd respondent is the son-in-law and the petitioners 3, 4 and 5 are the grandchildren of the said V.Rajammal. The said Rajammal was remitting the monthly instalments to the TNHB in respect of the above said plot for the period from 19.10.1990 to 10.12.2004 and thereafter she was called upon by the 2nd respondent's office to pay the balance estimated sale price of Rs.9,347/- and the same was also paid by her. In spite of the payments being remitted, the 2nd respondent neglected to execute and register the Sale Deed in her favour and further though the respondents issued a Transfer Certificate, the respondents failed to issue NOC for execution of the Sale Deed. After the death of the said Rajammal, as a legal heir, the 1st petitioner along with her sister had made written representation dated 21.08.2015 to the 2nd respondent to execute the Sale Deed in their favour. Later the 1st petitioner's elder sister D.Banumathy also died intestate on 14.01.2019 leaving behind her husband and children who are the petitioners 2 to 5 herein as her surviving legal heirs. While this being so, the petitioners made a representation to the respondents for execution and registration of the Sale Deed in favour of the 1st petitioner, for which, the petitioners 2 to 5 gave their No objection in the said representation itself. Though the respondents acknowledged the said representation, have failed to consider the same. Having left with no other option, the petitioner is before this Court by way of this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 19.08.2019 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Standing Counsel (TNEB) appearing for the respondents submitted that if the petitioner establishes his legal heirship on production of legal heir certificate and NOC from other legal heirs, her representation will be considered in the manner known to law.

5. In view of the aforesaid submissions, this Court directs the petitioners to submit all relevant particulars to prove their legal heirship to execute the Sale Deed for the above said plot and the 1st petitioner shall produce No Objection Certificate from the petitioners 2 to 5 for execution and



registration of Sale Deed in favour of her. Thereafter, the 2nd respondent, after considering all relevant materials, shall issue NOC and execute the Sale Deed in favour of the petitioners, within a period of twelve weeks from the date of production of the relevant materials by the petitioners. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman and Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nanadanam, Chennai 600035.
2. The Executive Engineer cum Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,
Tatabath, Coimbatore 641 012.

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.69134
+2ccs to Mr.C.P.Sivamohan, Advocate, S.R.No.68163

W.P.No.30349 of 2019

BR(CO)
CT 24/01/2022