



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.19204 of 2021

- 1.Meenakshi
2.Latha
3.Thiripura Sundari

... Petitioners

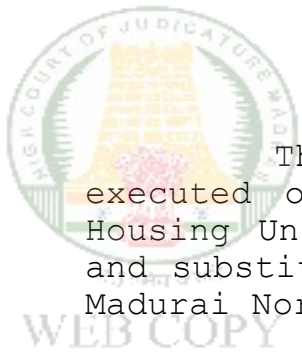
Vs.

- 1.The Chairman,
Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
- 2.The Manager (Marketing and Service),
Madurai Housing Unit,
Ellis Nagar,
Madurai.
- 3.The Manager (Marketing and Service),
Madurai Housing Unit,
Gandhi Nagar,
Madurai - 625 020.
- 4.The Sub Registrar,
Tallakulam,
Madurai North,
Rajagambiram,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second and third respondents to execute necessary registered deed of rectification and delete the survey number 154 part and substitute the T.S.No.153 part of Tallakulam Village, Madurai North Taluk in the registered deed of sale dated 03.03.2000 registered as Document No.657/2000 before Sub Registrar, Tallakulam executed by the second respondent in favour of M.S.Vijaya W/o. K.Sundaram in respect of House No.125 (Door No.SLC) at K.K.Nagar, Madurai, and thereby rectify the mistake or error crept in the said document within a time bound fixed by this Court and for other consequential reliefs.

For Petitioners	:	Mr.Mr.S.Ramesh For Mr.V.Raghavachari
For R-1 to R-3	:	Mr.Mahaboob Athiff
For R-4	:	Mr.P.Subbaraj Counsel for State.



ORDER

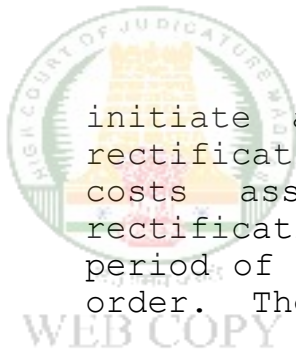
The petitioners seek a rectification of the sale deed executed on 03.03.2000 by the Tamil Nadu Housing Board, Madurai Housing Unit by deleting Survey No.154 part in the said sale deed and substituting the same with T.S.No.153 part, Tallakulam Village, Madurai North Taluk.

2. The petitioners state that their mother, Mrs.M.S.Vijayal was the allottee of Plot No.SCL.125 under allotment letter No.R3/14134/77 dated 02.12.1977 from the Tamil Nadu Housing Board. It is stated that the allottee made all payments as per the terms and conditions of allotment. Pursuant thereto, the third respondent executed a registered sale deed on 03.03.2000 before the Sub-Registrar, Tallakulam under Document No.657/2000. However, it is stated that, in the said sale deed, the survey number was erroneously mentioned as 154 part of Tallakulam Village. The allottee died on 19.11.2015 leaving behind her husband and the petitioners herein. The petitioners' father also died subsequently on 08.02.2021. The petitioners intend to sell the property and discovered the error upon verifying the encumbrance certificate relating to the property. Therefore, the petitioners approached the second and third respondents requesting for rectification. The petitioners point out that the second respondent admitted that there was an error by communication dated 09.11.2020. The present Writ Petition is filed in these facts and circumstances seeking rectification.

3. Mr.Mahaboob Athiff, learned Standing Counsel, appears on behalf of respondents 1 to 3 and Mr.P.Subbaraj, learned counsel for the State, appears on behalf of the fourth respondent. Learned Standing Counsel for the Tamil Nadu Housing Board submits that the petitioners' request for rectification would be considered after verifying the relevant records subject to the petitioners bearing the cost of executing and registering such rectification deed.

4. Upon perusal of the documents filed in support of the Writ Petition, it is clear from the document dated 09.11.2020 from the second respondent that there appears to be an error with regard to the survey number mentioned in the registered sale deed. Therefore, the petitioners are entitled to the consideration of their request for rectification. As pointed by learned Standing Counsel for the Tamil Nadu Housing Board, the petitioner should bear all statutory costs associated with the execution and registration of the rectification deed, including stamp duty and registration fees.

5. Subject to the above observations, W.P.(MD).No.19204 of 2021 is disposed of by directing the second and third respondents to consider the petitioners' request for rectification by taking into account the communication dated 09.11.2020 from the second respondent. The second and third respondents are directed to



initiate action on the basis of the petitioners' request for rectification subject to the petitioners' bearing the statutory costs associated with the execution and registration of a rectification deed. The entire process shall be concluded within a period of two (2) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chairman,
Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
- 2.The Manager (Marketing and Service),
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Ellis Nagar, Madurai.
- 3.The Manager (Marketing and Service),
Madurai Housing Unit,
Gandhi Nagar, Madurai - 625 020.
- 4.The Sub Registrar,
Tallakulam,
Madurai North,
Rajagambiram, Madurai.

+1 CC to M/s.V. RAGHAVACHARI, Advocate (SR-33621[F]
dated 02/11/2021)

+1 CC to M/s.SPL.GP (SR-33514[F] dated 02/11/2021)

W.P. (MD) .No.19204 of 2021

01.11.2021

TSK (CO)

GC/JGB(16.11.2021) 3P 7C

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