



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28040 of 2010

and

M.P.No.1 of 2010

U.A.Vasudevan

...Petitioner

Vs.

1. The State Government of Tamil Nadu
rep.by its Secretary to Government,
Housing and Urban Development,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

...Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus Calling for the entire records of the 2nd respondent pertaining to the impugned order dated 19.11.2010 issued under reference in AL10/29779/79 passed by the 2nd respondent and to quash the same and to consequently direct the respondents herein to execute and register the sale deed pertaining to the immovable property being land and building situated at Door No.4/18 NH-II Vasugiyar Street Maraimalai Nagar Kancheepuram District-603 209 in favour of the petitioner

For Petitioner: Mr.R.Umasuthan

For RR1 : Mr.A.Anandan, Government Advocate

For RR2 : Ms.P.Veena Suresh, Standing Counsel

Order

This petition has been filed for issuance of writ of Certiorarified Mandamus to call for the entire records of the 2nd respondent pertaining to the impugned order dated 19.11.2010 and to quash the same and direct the respondents herein to execute and register the sale deed pertaining to the immovable



property being land and building situated at Door No.4/18, NH-II, Vasugiyar Street, Maraimalai Nagar, Kancheepuram District-603 209, in favour of the petitioner

2. The case of the petitioner is that the 2nd respondent with due sanction and approval of the 1st respondent promoted a Housing Improvement Scheme under the name and style of 'Low Income Group Housing - NH-II, Maraimalai Nagar Scheme' during the year 1979. In response to the application form submitted by the writ petitioner, vide letter of allotment dated 10.12.1979 and 05.06.1981, the 2nd respondent allotted the immovable property being land and building situated at Door No.4/18, NH-II, Vasugiyar Street, Maraimalai Nagar, Kancheepuram District-603 209, to the writ petitioner herein and vide certificate dated 02.11.1982. the 2nd respondent permitted to pay the cost of the above referred immovable property being Rs.34,482/-. Though in terms of lease cum sale agreement, the said consideration was to be paid in 168 monthly installments, the writ petitioner herein had paid the entire consideration by way of one lumpsum in the year 1983 itself and thereby, he has been in absolute possession and in uninterrupted enjoyment of the said immovable property. While so, on 15.10.2004, the 2nd respondent called upon the writ petitioner to get the Sale Deed duly executed by them and register in favour of him after full settlement and immediately on receipt of the said letter, the writ petitioner furnished the details of payments made and established to the 2nd respondent that no money whatsoever is payable by him and requested the 2nd respondent to expedite the process of execution and registration of the Sale Deed. When such being the position, it is the grievance of the petitioner that without any notice, all of a sudden, the 2nd respondent for reasons best known to them had unilaterally cancelled the allotment of the said property made to the writ petitioner vide impugned letter dated 19.11.2010 and called upon the petitioner to pay a sum of Rs.6,35,556/- on or before 31.12.2010. Aggrieved by the same, the petitioner is constrained to approach this Court by filing this Writ Petition to quash the impugned order.

3.The learned counsel appearing for the petitioner submitted that during the pendency of the writ petition, the petitioner was passed away and the wife of the deceased, namely V.Rajalakshmi, is appeared before this Court in person. Though there are arguable points available to her, and in order to give quites to the issues, she agreed to pay the sum of Rs.6,35,556/- in one lumpsum, within a period of two months, without any interest or further penalty.

4.The learned Standing counsel appearing for the 2nd respondent has agreed to the proposal submitted by the party-in-person.



5. In view of the consent view expressed by the parties, the petitioner is directed to pay the sum of Rs.6,35,556/- (Rupees Six Lakhs Thirty Five Thousand Five Hundred and Fifty Six, as full quit, within a period of two months from the date of receipt of a copy of this order, without any interest or further penalty. The respondent, after receipt of the said amount, on production of legal heir certificate by the petitioner, is directed to execute Sale Deed in favour of the petitioner's wife viz., V.Rajalakshmi within a period of two weeks thereafter and it is needless to state that the official respondent shall not insist the petitioner for production of No Objection Certificate from the other legal heirs.

6. In view of the above, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing and Urban Development,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to M/s.P.Veena Suresh, Advocate, S.R.No.25614

+1cc to the Government Pleader, S.R.No.25940

W.P.No.28040 of 2010

AD(CO)
RGA(27/04/2022)