



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.34584 of 2016

&

W.M.P.No.29788 of 2016

M.S.Saminathan

... Petitioner

Vs.

1. The Secretary to Government
Housing and Urban Development Department
Fort St. George,
Chennai- 600009.

2. The Chairman and Managing Director
O/o. The Chairman and Managing Director Office,
Tamil Nadu Housing Board,
Nandanam, Chennai-600035.

3. The Manager Marketting and Service
Tamil Nadu Housing Board,
Erode Housing Unit,
Erode- 638009.

... Respondents

Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in Letter No.R3/1179/97 dated 12.8.2016 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.M.Rejendiran[R1]
Mr.R.Bharath Kumar [R2 & R3]

O R D E R

The Order of cancellation of allotment of Housing Board Plot in proceedings dated 12.08.2016 is under challenged in the present writ petition. The petitioner states that he is a



retired employee of the Electricity Board and the respondents issued an allotment of house bearing No. MIG-House-C.197 in favour of the writ petitioner. The petitioner has not paid the cost immediately.

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2. Subsequently, the Board Authorities found that the petitioner executed a fraudulent sale deed in his favour in document no.4014 of 2016 dated 23.06.2016 at the office of the Sub-Registrar, Erode, and further the consequential documents were also created in a fraudulent manner. A criminal case was also registered against the writ petitioner which is pending. The order impugned reveals that a bogus sale deed was executed. However, the payment of cost was not entered into the cash registered maintained by the Tamil Nadu Housing Board. Under those circumstances, the allotment itself was cancelled by the respondent Board.

3. The learned counsel for the petitioner made a submission that during the pendency of the Criminal Case, the petitioner had deposited the entire cost. However, this Court cannot take a decision in respect of deposit made, as the said deposit was made pursuant to the registration of the Criminal Case and for getting bail in the said Criminal Case.

4. As far as the allotment is concerned, the petitioner was involved in a crime and a criminal case was registered. The allegation against the petitioner is undoubtedly serious as it relates to creation of bogus sale deed and registration of such bogus documents before Sub-Registrar. Therefore, the allegations must be gone into by the competent Court of Law and appropriate decision is to be taken. In respect of restoration of allotment, at this point of time this Court cannot decide this issue as the allegations set out against the petitioner are serious and therefore, the relief as sought for in the present writ petition deserves no merit consideration. It is for the petitioner to approach the authorities, if he is eligible to get any other relief. With these observations the writ petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shr/ska



To

1. The Secretary to Government
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Fort St. George,
Chennai- 600009.

2. The Chairman and Managing Director
O/o. The Chairman and Managing Director Office,
Tamil Nadu Housing Board,
Nandanam, Chennai-600035.

3. The Manager Marketing and Service
Tamil Nadu Housing Board,
Erode Housing Unit,
Erode- 638009.

+1cc to Mr.R.Bharath Kumar, Advocate SR.No.4630

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MT(CO)
GN(22/02/2022)