



WMP.No.18584 of 2022

in

W.P.No.22720 of 2010

N.SATHISH KUMAR, J.

This petition has been filed to amend the prayer in the Writ petition to quash the proceedings of the second respondent dated 18.08.2010 and 09.09.2010 and to forbear the respondents 1 and 2 from executing or registering the sale deed in favour of the third respondent or his men and consequently to direct the respondents 1 to 2 to execute and register the sale deed in favour of the petitioners in respect of the property mentioned in the Judges summons.

2. It is the contention of the petitioners that originally the property has been allotted to the third respondent's father and thereafter, the father and his two sons have in turn executed the sale deed in favour of the petitioners on 23.04.1988. However, the third respondent has given an objection before the Housing Board not to execute the sale deed in favour of the petitioners. Besides, the third respondent has already filed a Writ Petition in W.P.No.18213 of 2006 for a Mandamus to direct the Housing Board to execute the sale deed in his favour. This Court by an Order dated 16.10.2006 has dismissed the Writ Petition by holding that the third respondent has to



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establish his right before the Civil Court. But he has not approached the Civil Court till now.

3. Once again, the third respondent has given an objection before the second respondent and based on the said objection, the impugned notice has been issued by the Housing Board stating that the sale deed would be ordered to be executed in favour of the third respondent. Challenging the same, the present Writ Petition has been filed. Now, the present amendment is sought for a direction, apart from quashing the impugned communication but also for a direction to execute the sale deed in favour of the Writ Petitioners.

4. Considering the background on which the Writ Petition has been filed and sale deed also executed not only by the father of the third respondent but also the third respondent is also a party to the sale deed, this Court is of the view that as the amendment sought for will not change the nature of the Writ Petition or its relief whatsoever, this petition for amendment is Ordered as prayed for.

5. The Registry is directed to carry out necessary amendment and post the main Writ Petition on 01.11.2022.

26.10.2022

vrc



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