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W.P.No.9677 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.9677 of 2017

G.Kandasamy

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.
- 3.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam Shopping Complex,
Thirumangalam,
Chennai – 600 101.
- 4.The Sub-Registrar,
O/o. of the Sub-Registrar,
No.21/8, Market Lane,
Kaladipet, Tiruvottiyur,
Chennai – 600 019.



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5.S.Gurusamy

6.P.Ganesan

7.V.Murthy

8.N.Natarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Declaration a) Declaring the sale deed in Doc.No.1354 of 2010 dated 26.02.2010 executed by the respondents 2 and 3 in favour of the fifth respondent on the file of the fourth respondent in respect of petitioner's plot No.2/71, EWS-A Type of an extent of 432 sq.ft. in Manali Phase-II Scheme comprised in S.No.9, situate in Sadayankuppam Village, Ambattur Taluk, Thiruvallur District as Null and Void; b) Consequently declaring the sale deed in document No.3279 of 2010 dated 12.05.2010 executed by the sixth respondent in favour of the seventh respondent on the file of the fourth respondent in respect of petitioner's plot No.2/71, EWS-A type of an extent of 432 sq.ft in Manali Phase-II Scheme comprised in S.No.9, situate in Sadayankuppam Village, Ambattur Taluk, Thiruvallur District as Null and Void .

For Petitioner : Mr.B.Janakiram

For Respondent 1 : Mr.T.K.Saravanan,
Government Advocate

For Respondent 4 : Mr.E.Vijay Anand,
Additional Government Pleader



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For Respondent 5 : Tapal Returned “Deceased”
For Respondent 6 : Tapal Returned “Left India”
For Respondent 7 : No Appearance
For Respondent 8 : Tapal Returned “Door Locked”

ORDER

The petitioner has filed this writ petition for issuance of Writ of Mandamus Writ of Declaring the sale deed in Doc.No.1354 of 2010 dated 26.02.2010 executed by the respondents 2 and 3 in favour of the fifth respondent on the file of the fourth respondent in respect of petitioner's plot No.2/71, EWS-A Type of an extent of 432 sq.ft. in Manali Phase-II Scheme comprised in S.No.9, situate in Sadayankuppam Village, Ambattur Taluk, Thiruvallur District as Null and Void and further declaring the sale deed in document No.3279 of 2010 dated 12.05.2010 executed by the sixth respondent in favour of the seventh respondent on the file of the fourth respondent in respect of petitioner's plot No.2/71, EWS-A type of an extent of 432 sq.ft in Manali Phase-II Scheme comprised in S.No.9, situate in Sadayankuppam Village, Ambattur Taluk, Thiruvallur District as Null and Void .



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2. The case of the petitioner is that the petitioner's father Gurusamy was allotted a tenement in Plot No.2/71 to an extent of 432 sq.ft. in Manali Phase-II under the Manali Sites and Services Scheme by the Respondents 2 and 3. Thereafter, the petitioner has duly paid the Pre-Deposit amount to the respondents 2 and 3. In the meanwhile, the said land has been handed over to the petitioner's father by way of Transfer of Charge Certificate dated 22.06.1993. This being so, to the shock and surprise, respondents 2 and 3 executed the aforesaid land in favour of fifth respondent vide Sale Deed Doc.No.1354 of 2010 on the file of fourth respondent. Further, the fifth respondent executed a Deed of Power of Attorney in favour of sixth respondent. Subsequently, the said property was transferred in favour of the seventh respondent by way of a Sale Deed in Doc.No.3279 of 2010 on the file of fourth respondent. Whiles, the petitioner's father died on 15.01.2017. Therefore, the petitioner made a detailed representation dated 03.02.2017 before the respondents 2 and 3 to cancel the said sale deeds. However, till date, no order was passed. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that the present



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case is purely a property dispute between the petitioner and private respondents. Hence, liberty may be granted to the petitioner to approach the Competent Civil Court for appropriate remedy.

4. Learned Government Advocates appearing for the officials respondents submitted that they have no objection for the said liberty being granted by this Court.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the consent expressed by both the parties, this Court, without going into the merits of the case, grants liberty to the petitioner to approach the Competent Civil Court for appropriate remedy.

7. With the aforesaid liberty this writ petition stands disposed of. No costs.

18.11.2022



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Index : Yes/No

Speaking Order : Yes/No

M.DHANDAPANI,J.

vm

To:

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Housing and Urban Development Department,
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Chennai – 600 009.

2.The Managing Director,
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