



WP.No.16668 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.16668 of 2017 &

WMP.No.18039 of 2017

1. R.Pandurangan
2. Hemalatha
3. Aswani

[P2 & P3 substituted as LR's of deceased sole petitioner
vide Order dt.26/09.2022 made in WMP.24683 of 2022
in W.P.No.16668 of 2022 by NSKJ]

... Petitioners

Vs

1. The Secretary to the Government,
Tamil Nadu Government, Housing and Urban Development,
Ezhilagam, Chennai.
2. The Managing Director,
Tamilnadu Housing Board, Anna Salai,
Nandanam, Chennai – 600 035.
3. The Manager – Sales and Service,
Thirumazhisai Satellite Township,
792 Trunk Road, Poonmallee, Chennai – 56.

... Respondents



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Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorafied Mandamus to call for the records of the third respondent pertaining to the Order bearing reference No.The. Thu.Co.Na.Co/A2/9255/97 dated 18.07.2016 and quash the same as arbitrary, illegal and consequently direct the respondents 1 to 3 to execute the sale deed in favour of the petitioner in respect of the plot No.481 situated in Perumalpet division TNHB, Tiruvallur District.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.D.Gopal, Government Advocate – R1

Mr.D.Veerasekaran – R2 & R3

ORDER

This Writ Petition has been filed to quash the proceedings of the third respondent dated 18.07.2016 as arbitrary, illegal and consequently direct the respondents 1 to 3 to execute the sale deed in favour of the petitioner in respect of the plot No.481 situated in Perumalpet division TNHB, Tiruvallur District.

2. The case of the petitioner is that the petitioner was allotted Plot



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No.481 and he was requested to pay a sum of Rs.1,50,000/- as upfront fee within 20.08.1997 and the entire amount has been paid by the petitioner.

While so, the petitioner has met with a tragic road accident on 17.11.2010 and he got serious head injury and was hospitalized for about 6 months period. From the date of accident he was under 'traumatic coma' and he is bedridden and not able to take care of himself. When the daughter of the petitioner approached the respondent and made several representations to execute the sale deed, no response is forthcoming from the respondents. Hence, the present Writ Petition has been filed.

3. In the counter, admitting that the allotment made in favour of the petitioner and receipt of payment, it is their contention that the allottee has not submitted relevant documents. Hence, the allotment was cancelled on 26.11.1997. It is further submitted that the allottee has paid a sum of Rs.2000/- and again paid a sum of Rs.1,04,836/- vide receipt No.AY 016910. As the allottee has not submitted the documents, revocation could not be done and till date and regular allotment order was not given to him. It is their further contention that even in the year 2001, the petitioner was requested to produce the records and no documents have been produced by



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the petitioner. Hence, submitted that this Writ Petition suffers from latches.

4. The learned counsel appearing for the petitioner submitted that the entire amount has been paid by the petitioner. Though the documents have not been submitted as requested, the same is due to tragic accident and the petitioner went to coma for more than 7 years. Hence, seeks for a direction.

5. The learned counsel appearing for the respondents submitted that as the petitioner has not submitted the document for many years, the allotment made in favour of the petitioner has been cancelled and the cancellation has to be revoked by the Housing Board. The same will be done in this case.

6. Though the allotment made in favour of the first petitioner has been cancelled for non submission of the documents in time as requested by the Housing Board, the fact remains that the petitioner has met with an



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accident and he was in coma for more than 7 years. This aspect has not been disputed by the respondents in the counter. Considering the fact that the entire amount has been paid and there was no due by the petitioner and particularly due to the accident, he could not produce the documents, the Housing Board is directed to execute necessary sale deed by revoking the cancellation of allotment Order and such exercise shall be done within a period of four months from the date of receipt of a copy of this Order.

7. With the above directions, this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

11.11.2022

vrc

To,

1. The Secretary to the Government,
Tamil Nadu Government, Housing and Urban Development,
Ezhilagam, Chennai.
2. The Managing Director,
Tamilnadu Housing Board, Anna Salai,
Nandanam, Chennai – 600 035.
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N.SATHISH KUMAR, J.

VTC

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