

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1025 of 2013

and

M.P(MD)No.1 of 2013

V.Ramalingam

... Petitioner

Vs.

1.The Secretary to Government,
Department of Housing and Urban Development,
Secretariat, St.George Fort,
Chennai – 600 009.

2.Tamilnadu Housing Board represented by,
The Chairman and Managing Director,
493, Anna Salai, Nandanam,
Chennai – 600 035.

3.The Executive Engineer and Administrative Officer,
Thanjavur Housing Unit,
Tamilnadu Housing Board,
New Housing Unit Colony,
Thanjavur-613 005.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to receive the outstanding dues as per their intimation dated 19.11.2012 and confirm the petitioner's allotment and consequently execute pacca sale deed in petitioner's favour in respect of housing plot in B-40 at Mannargudi Area Development Scheme at Neduvakkottai.

For Petitioner : Mr.R.Narayannan

For Respondents : Mr.P.Thambidurai
Government Advocate
for R1 to R2
Mr.M.Suresh
for R3

ORDER

This present writ petition has been filed seeking a writ of mandamus directing the respondents to receive the outstanding dues as per their intimation, dated 19.11.2012 and confirm the petitioner's allotment and consequently, execute a sale deed in favour of the petitioner.

2.According to the writ petitioner, he was allotted Plot No.B-40 on 26.05.2003. Thereafter, due to irregularity in payments of monthly instalments, allotment was cancelled on 29.10.2007.

3.According to the writ petitioner, the cancellation order was revoked on 11.01.2010, and thereafter, an order was passed on 19.11.2012, demanding a sum of Rs.1,83,181/- from the petitioner towards sale consideration of the plot. Since the respondent board has refused to receive the amount, this writ petition has been filed.

4.The third respondent has filed a counter and contended that the communication, dated 19.11.2012 has been erroneously sent to the writ petitioner. This was brought to the notice of the writ petitioner by way of reply notice issued by the Housing Board on 17.11.2012. Hence, the petitioner cannot rely upon the Housing Board communication dated 19.11.2012.

5.I have carefully considering the submissions made on either sides.

6.The petitioner now seeks mandamus based upon the communication dated 19.11.2012.

7.According to the Housing Board, they have erroneously sent such a communication to the writ petitioner. The Housing Board has also clarified that they have erroneously sent such a reply notice, dated 17.11.2012. In view of the fact that 19.11.2012 communication has been erroneously sent to the writ petitioner, the issuance of mandamus to the Housing Board does not arise.

8.With the above observations, this Writ petition stands dismissed.
No costs. Consequently, connected Miscellaneous Petition is closed.

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dss

Index : Yes / No
Internet : Yes / No
Speaking order/Non-speaking order

To

- 1.The Secretary to Government,
Department of Housing and Urban Development,
Secretariat, St.George Fort,
Chennai – 600 009.
2. The Chairman and Managing Director,
Tamilnadu Housing Board,
493, Anna Salai, Nandanam,
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- 3.The Executive Engineer and Administrative Officer,
Thanjavur Housing Unit,
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R.VIJAYAKUMAR ,J.

dss

Order made in
W.P(MD)No.1025 of 2013
and
M.P(MD)No.1 of 2013

Dated:
22.08.2022