



W.M.P.No.5028 of 2023
in W.P.No.14328 of 2020

N.SATHISH KUMAR, J.

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This Writ Miscellaneous Petition has been filed seeking to clarify or modify the Order dated 19.12.2022 passed in the above Writ Petition to direct the respondent to execute the sale deed in favour of the petitioner as undertaken before this Court, following the same condition and procedure followed while executing the sale deed in Doc.No.322 of 2020 on the file of SRO, Omalur without adding any additional condition therein.

2. The only grievance of the writ petitioner is that the respondent has already executed the sale deed in favour of the petitioners in W.P.Nos.14315, 14322, 14323 and 14327 of 2020. The petitioner is also a similarly situated person. Though the respondent has agreed to execute the sale deed in favour of the petitioner within a period of one week before this Court in Cont.P.No.714 of 2022. Now, they have sought to include 25 additional conditions which are onerous. In fact, which places as restrictive on the petitioner for enjoyment of the property. Hence, submitted that the respondent may be directed to execute the sale deed with the similar conditions imposed in the earlier sale deed namely Doc.No.320 of 2020 on the file of SRO, Omalur.



3. As the respondent had already admitted before this Court to execute the sale deed within a period of one week in the Cont.P.No.714 of 2022 and the sale deed is already executed in respect of other petitioner, this Court is of the view that the petitioner being a similarly situated person is entitled to the same privilege, there cannot be any additional conditions restricting the absolute enjoyment. Therefore, any condition restricting the enjoyment is not according to law.

4. Such view of the matter, this Court directs the respondent to execute the sale deed with the condition imposed in respect of other sale deeds already executed by them in favour of the petitioner within a period of one week.

5. Accordingly, this Miscellaneous Petition is allowed. No costs. The above clarification is in respect of all other similarly situated persons.

22.02.2023

dhk

Index : Yes/No

Neutral Citation: Yes/No



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