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W.P.No.25178 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25178 of 2013

A.Joseph

... Petitioner

Vs.

1.Executive Engineer
Tamil Nadu Urban Development Scheme
Special Division VI
Tamil Nadu Housing Board
Thirumangalam,
Chennai – 600 101.

2.Managing Director
Tamil Nadu Housing Board
Nandanam,
Chennai – 600 035.

3.Abbas @ Mohamed

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to receive the balance amount and execute the Sale Deed in favour of the petitioner in respect of the Allotment Letter No.AMB/ 5446/ 94 of the 1st respondent and directing the respondents 1 and 2 to evict the encroacher the 3rd respondent from the premises and restore the same to the original record of the petitioner.



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W.P.No.25178 of



For Petitioner	: No Appearance
For R1 & R2	: Mr.D.Veerasekaran Standing Counsel [For TNHB]
For R3	: Not Ready in Notice

ORDER

The writ petition has been filed to direct the respondents 1 and 2 to receive the balance amount and execute the Sale Deed in favour of the petitioner based on the allotment letter issued by the 1st respondent.

2. Allotments of plots were done by conducting lot and the candidates selected for allotment submitted their applications along with other details. The provisional allotment order dated 21.04.1994 reveals that allotment order was issued to the petitioner Thiru A.Joseph with a request to pay the initial deposit of Rs.1050/- and to produce the required documents. Initially deposit amount had been received and the regular allotment order dated 27.10.1995 was issued to the petitioner informing the cost of the plot as Rs.6438/- to an extent of 40 Sq.mt. The initial deposit amount Rs.2688/- and the balance



amount should be paid in monthly instalment of Rs.41/- over a period of 20 years with the interest at the rate of 12%.

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3. The Lease Cum Sale Agreement with the Tamil Nadu Housing Board is also to be executed. The writ petitioner, Thiru A.Joseph has given a change of address on 08.09.1995 as No.12, Bajanai Koil Street, Villivakkam, Chennai 600 049, whereas the address mentioned in the Application No.22659 is No.35, 9th Street, Kamaraj Nagar, Ennore, Chennai 600 057.

4. On execution of Lease Cum Sale Agreement the handing over order dated 01.02.1996 was sent to the Villivakkam address of the allottee. But the petitioner has not attended the office for taking over the possession of the plot. The allottee had been addressed through letter dated 09.06.2005 to pay the total arrears of Rs.8500/-. The allottee has paid Rs.9745/- on 20.02.2006. The sale deed for the plot has yet to be issued.

5. The learned counsel appearing on behalf of the Tamil Nadu Housing Board made a submission that the photograph affixed in the Lease Cum Sale Agreement has not been reflected in the subsequent photograph affixed by



the petitioner. The learned counsel for the respondents 1 and 2 contended that the petitioner impersonated by changing the photograph in the agreement and therefore, the Housing Board was not in a position to hand over the plot allotted in favour of the petitioner. In this regard an enquiry is to be conducted and thereafter, a decision is to be taken regarding the change of photograph in the Lease Cum Sale Agreement and the subsequent changes, if any.

6. It is not in dispute that the petitioner was allotted with a housing plot at Ambattur Phase I and II Scheme and the petitioner had already paid the plot cost also. However, there is a change in the photograph affixed in the Lease Cum Sale Agreement and thus, the Tamil Nadu Housing Board has to conduct an enquiry to ascertain the genuinity of the allotment made in favour of the petitioner and thereafter, hand over the plot as per the terms and conditions of the Lease Cum Sale Agreement.

7. This being the factum, the petitioner is at liberty to approach the respondents for conducting an enquiry along with the documents and in the event of the petitioner approaching the competent authorities of the Tamil



Nadu Housing Board, the authorities shall conduct a detail enquiry and find out the genuinity of the allotment and other details and thereafter, pass appropriate orders on merits and in accordance with law.

8. With the above directions, the Writ Petition stands disposed of. No costs.

07.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The Executive Engineer
Tamil Nadu Urban Development Scheme
Special Division VI
Tamil Nadu Housing Board
Thirumangalam,
Chennai – 600 101.

2.The Managing Director
Tamil Nadu Housing Board
Nandanam,
Chennai – 600 035.



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S.M.SUBRAMANIAM, J.

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