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W.P.Nos.33574 to 33577 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.33574 to 33577 of 2015

M.P.Nos. 1,1,1 & 1 of 2015

W.P.No.33574 of 2015

A.Joseph Paul Raj

.. Petitioner

VS

1.Executive Engineer
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tata Bad,
Coimbatore 641 012.

2.The Inspector of Police,
District Crime Branch,
Coimbatore Corporation,
Coimbatore Post and District.
*(R2 suo motu impleaded vide order dated
31.03.2023 made in WP 33574/15)*

.. Respondents

W.P.No.33575 of 2015

B.Rudramoorthi

.. Petitioner

VS

1.Executive Engineer
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tata Bad,
Coimbatore 641 012.

2.The Inspector of Police,
District Crime Branch,



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Coimbatore Corporation,
Coimbatore Post and District.
(R2 suo motu impleaded vide order dated
31.03.2023 made in WP 33575/15)

.. Respondents

W.P.No.33576 of 2015

R.Sathya seelan

.. Petitioner

VS

1.Executive Engineer
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tata Bad,
Coimbatore 641 012.

2.The Inspector of Police,
District Crime Branch,
Coimbatore Corporation,
Coimbatore Post and District.
(R2 suo motu impleaded vide order dated
31.03.2023 made in WP 33576/15)

.. Respondents

W.P.No.33577 of 2015

V.N.Suryanarayanan

.. Petitioner

VS

1.Executive Engineer
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tata Bad,
Coimbatore 641 012.

2.The Inspector of Police,
District Crime Branch,
Coimbatore Corporation,
Coimbatore Post and District.

(R2 suo motu impleaded vide order dated
31.03.2023 made in WP 33577/15)

.. Respondents



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Prayer in W.P.No.33574 of 2015 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to execute the sale deed in respect of Plot No.524F at Ganapathy, Coimbatore in favour of the petitioner after the payment of final amount.

Prayer in W.P.No.33575 of 2015 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to execute the sale deed in respect of Plot No.524C under Ganapathy Block I to IV Scheme, Coimbatore in favour of the petitioner after the payment of final amount.

Prayer in W.P.No.33576 of 2015 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to execute the sale deed in respect of Plot No.524D under Ganapathy Block I to IV Scheme, Coimbatore in favour of the petitioner after the payment of final amount.

Prayer in W.P.No.33577 of 2015 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to execute the sale deed in respect of Plot No.524E under Ganapathy Block I to IV Scheme, Coimbatore in favour of the petitioner after the payment of final amount.

For Petitioner	:	Ms.K.Priyadarshini for Mr.R.Subramanian (in all writ petitions)
For Respondents	:	Mr.Naganathan for Mr.D.Veerasekaran Standing Counsel for R1 Mr.B.Vijay, Additional Government Pleader for R2 (in all writ petitions)

COMMON ORDER

Four writ petitions are before me. The facts as relevant to W.P.No.33574 of 2015 are set out below as being representative of facts in all writ petitions.



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2. The petitioner claims that he was allotted an MIG Plot No.748 under Ganapathy I to IV Scheme under letter dated 12.05.2009. A deposit of a sum of Rs.1 lakh was made towards tentative cost that was fixed at a sum of Rs.5.30 lakh (approximate). A receipt was also issued on 21.05.2009.

3. The petitioner was subsequently informed that the allotment was cancelled and he was alternatively allotted Plot No. 524F for which purpose the amount of Rs. 1 lakh paid earlier was reckoned. The balance amount of tentative cost being a sum of Rs.32,392/-, the petitioner claims, he has remitted in full and a receipt issued on 31.12.2010. Documentation to aforesaid effect has been placed on file by the petitioner.

4. He prays for a mandamus directing the respondents being the Executing Engineer of the Tamil Nadu Housing Board (Board / Housing Board) to execute sale deed in respect of the plot purchased alternatively being plot no. 524F, in his favour, after payment of the balance amount as finally determined.

5. The claim of the respondents in counter is in total negation of the aforesaid transaction. According to the respondents,



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the allotment order issued by the staff of the Coimbatore Housing Unit is not a genuine document and the entirety of the transaction is vitiated by mischief and collision between the petitioner and other similar so-called purchasers on the one hand and staff of the Housing Board on the other.

6. Thus and in summary they would submit that procedure is not as per the Rules and Regulations, there has been no regular / official allotment and the entirety of the transaction is liable to be eschewed as vitiated by fraud.

7. In light of the stand taken by the Housing Board, the Inspector of Police, District Crime Branch (Coimbatore Unit) was impleaded as R2 and is represented by Additional Government Pleader today. It is his say that Crime No.2 of 2013 has been filed touching upon Sections 120(b), 409 and 420 IPC. He would allege that there has been no cooperation from the Housing Board on account of which charge-sheet could not be laid till date.

8. Since all the parties in this transaction are before this Court, a direction is issued to R1, being the Housing Board, to cooperate in full in the investigation to enable the issuance of final



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report and all consequences thereof within a period of twelve weeks from date of receipt of this order. In light of the aforesaid narration, mandamus as sought for is not liable to be issued.

9. Writ petitions are dismissed with liberty. However, liberty is granted to the petitioners to approach the Serious Crime Squad, Coimbatore City, before whom Cr.No.2 of 2013 is stated to be pending, for appropriate relief, including refund of the amounts stated to have been paid by them to the Board. Consequently, connected miscellaneous petitions are closed. No costs.

23.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Executive Engineer
Tamil Nadu Housing Board,
Coimbatore Housing Division,
Tata Bad,
Coimbatore 641 012.

2.The Inspector of Police,
District Crime Branch,
Coimbatore Corporation,
Coimbatore Post and District.



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DR. ANITA SUMANTH,J.

ssm

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