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W.P.No.8950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8950 of 2023

and

WMP.No.9088 of 2023

S.Manivannan

...Petitioner

Vs.

1. The Secretary to Government,
Tamil Nadu Housing Board Urban Development Department,
Fort St. George, Chennai - 600 009.
2. The Chairman,
Tamil Nadu Housing Board,
Nandhanam, Chennai - 600 035.
3. The Chief Engineer,
Tamil Nadu Housing Board,
Nandhanam, Chennai - 600 035.
4. The Executive Engineer,
Tamil Nadu Housing Board Coimbatore Division,
Peelamedu, Coimbatore - 641 004.
5. The Divisional Accountant,
Coimbatore Housing Unit,
Tamil Nadu Housing Board,



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Tatabad, Coimbatore - 641 012.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents to execute a sale deed in favour of the Petitioner in respect of Plot No.679 L II at Kaalapatti Housing Board Planning Scheme, Coimbatore.

For Petitioner : Ms.P.Meghana Nair

For Respondents : Mr.S.Balamurugan, GA, for R1
: Mr.D.Veerasekaran, SC, for R2 to R5

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to execute sale deed in favour of the petitioner in respect of the Plot No.679 L II at Kaalapatti Housing Board Planning Scheme, Coimbatore.

2. The case of the petitioner is that he applied for allotment of plot in Kaalapatti Housing Board Planning Scheme and was allotted a Plot bearing No.679 L II, measuring an extent of 90 sq. mts., at Kaalapatti Housing Board Planning Scheme, vide order of the 4th respondent dated 17.07.1995



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bearing Letter No.A7/18504/94 and the sale consideration was approximately fixed as Rs.58,500/- and the petitioner paid an advance amount of Rs.17,555/- and the balance amount was to be paid in equal monthly installments of Rs.491 for a period of 15 years, which includes interest of 12%. Thereafter, instead of paying every month, the petitioner made a bulk payments, totaling to a sum of Rs.27,133/- within a period of 4 years i.e., by 20.07.1999. Pursuant to which, the petitioner approached the 4th respondent seeking details of balance amount to be paid by the petitioner, however, there was no response. Therefore, the petitioner made an application under RTI Act seeking certain information and also made an representation dated 15.12.2015 before the respondents along with details of payments and sought for execution of sale deed, which evoked no response. Hence, the petitioner filed a Writ petition before this Court in W.P.No.149 of 2016 and pursuant to the order of this Court dated 15.12.2015, the petitioner made a fresh representation dated 15.02.2016. Further, the petitioner submitted all the documents and letters, vide letter dated 03.03.2016, pursuant to the letter of the 5th respondent dated 23.02.2016, seeking all the details, however, there was no response/reply. Thereafter, the petitioner



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made another representation dated 09.02.2017 before the 5th respondent, however, till date, no orders have been passed on the same. Hence, this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues direction to the 5th respondent to consider the petitioner's representation dated 09.02.2017 and to consequently execute sale deed in favour of the petitioner in respect of the subject Plot No.679 L II at Kaalapatti Housing Board Planning Scheme, Coimbatore, as expeditiously as possible.

4. Learned Standing counsel appearing for the respondent Housing Board submitted that, for non payment of the entire sale consideration fixed, the allotment order issued in favour of the petitioner in respect of the subject plot was cancelled and the same was allotted in favour of the third party. He further submitted that, the cancellation order as against the petitioner and the allotment order made in favour of the 3rd party will be



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furnished to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

5. In view of the aforesaid submissions made by the learned Standing Counsel appearing for the respondent Housing Board, this Court without expressing any opinion on the merits of the case, directs the respondents to furnish the cancellation order issued as against the petitioner and the allotment order made in favour of the 3rd party in respect of the subject plot, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, enabling the petitioner to workout the remedy in the manner known to law.

6. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

To

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