



W.P.No.11115 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

W.P.No.11115 of 2022
and
WMP.No.9206 of 2023

S.Jayakumar

...Petitioner

Vs.

1. The Managing Director,
Tamilnadu Housing Board,
CMDA Building, E & C Market Road,
Koyambedu, Chennai- 107.
2. The Manager (Marketing and Service),
Tamilnadu Housing Board-JJ Nagar Division,
TNHB Shopping Complex,
Thirumangalam, Chennai- 101.
3. The Superintending Engineer,
Chennai Circle, TNHB, Chennai- 101.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to execute and register the sale deed in favour of the petitioner in respect of Plot No.2164 measuring 1500 Sq.ft., situated at TNHB Avadi Neighbourhood Scheme, Paruthipattu Village, Sriperumbudur Taluk, Kancheepuram District within a time frame.



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For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.D.Veerasekar

ORDER

When the matter is taken up for hearing, learned counsel appearing for the respondents submitted that, though the petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to execute and register the sale deed in favour of the petitioner in respect of Plot No.2164 measuring 1500 Sq.ft., situated at TNHB Avadi Neighbourhood Scheme, Paruthipattu Village, Kancheepuram District, however, for the very same relief, the petitioner has already filed a Writ petition in W.P.No.21295 / 2017 and the same was dismissed as withdrawn vide order dated 10.08.2017, with a liberty to the petitioner to file an Execution Petition for executing the decree and judgment passed in O.S.No.5975 of 2001 on the file of VI Assistant Judge, City Civil Court, Chennai. While so, filing the present Writ petition seeking the very same relief is not sustainable.

2. This Court perused the materials placed on record and on a perusal of the same, this Court is of the view that, once the petitioner has already withdrawn the petition for the very same relief as sought for in the case in



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hand, the very same prayer cannot be once again entertained by this Court without there being any liberty granted.

3. Hence, the prayer sought for by the petitioner cannot be granted.

However, the petitioner is at liberty to proceed in accordance with law, if aggrieved by the order dated 10.08.2018 made in W.P.No.21295 of 2017.

4. With the above observations, this Writ petition stands dismissed.

No costs. Consequently, connected Miscellaneous petition is closed.

29.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

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3. The Superintending Engineer,
Chennai Circle, TNHB, Chennai- 101.

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M.DHANDAPANI, J.

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