



W.P.No.14321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.14321 of 2023
and
W.M.P.No.13834 of 2023**

R.Gowthami

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Housing Board,
MTB Building,
Anna Salai,
Nandanam,
Chennai – 600 035.

2. The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board,
Erode Division,
Samapath Nagar,
Erode – 11.

3. The Marketing Manager (Sales and Service),
Tamil Nadu Housing Board,
Erode Division,
Samapath Nagar,
Erode – 11.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 2 and 3 to execute appropriate sale deed to Plot No.MIG-676, in Survey No.482/2,3 etc., Erode “C” Village, Muthampallayam Scheme, Phase-VIII, which is to extent of 1,683 sq.ft, in favour of the petitioner.

For Petitioner : Mr.R.Sivakumar
For Respondents : Mr.D.Veerasekaran
Standing Counsel for TNHB

O R D E R

This Writ Petition has been filed for a direction to the respondents 2 and 3 to execute appropriate sale deed to Plot No.MIG-676, in Survey No.482/2,3 etc., Erode “C” Village, Muthampallayam Scheme, Phase-VIII, to an extent of 1,683 sq.ft, in favour of the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner has applied for a MIG Plot in Application No.50745 and she was allotted with Plot No.MIG-676, which is to an extent of 1683 sq.ft. The total consideration of the plot was arrived as Rs.12,96,000/- (Rupees



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Twelve Lakhs and Ninety Six Thousand only). As per the allotment conditions, the advance amount of Rs.4,54,000/- (Rupees Four Lakhs and Fifty Four Thousand only) was paid on 07.12.2015. On the next day, i.e., on 18.12.2015, a further amount of Rs.2,42,000/- (Rupees Two Lakhs and Forty Two Thousand only) was paid. Further, within fifteen days, a further amount of Rs.4,00,000/- (Rupees Four Lakhs only) was also paid. The remaining amount of Rs.2,00,000/- (Rupees Two Lakhs only) was also paid on 08.12.2018. Immediately, after the full payment of the sale consideration, the petitioner had submitted a representation dated 12.12.2018 requesting for execution of the sale deed, but there was no response. During the month of January and February, 2023, the petitioner had also personally visited the office of the respondents 2 and 3 requesting for early registration and she was informed that the file is missing. Aggrieved by the delay in getting the property registered even after paying the entire consideration, the petitioner has filed the present Writ Petition with the aforesaid prayer.



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3. Mr.D.Veerasekaran, learned Standing Counsel appearing for the respondents / Tamil Nadu Housing Board, on instructions, would submit that though the respondents have received the entire amount from the petitioner, a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) was not properly accounted by the respondents officials. Further, since the petitioner has not come forward for the execution of the sale deed, the respondents officials inadvertently executed the sale deed to the 3rd party by canceling the allotment order in favour of the petitioner. However, learned Standing Counsel would fairly submit that the alternative plot would be provided to the petitioner within a time frame that may be stipulated by this Court.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. The facts in the present case are not in dispute. Admittedly, the petitioner was allotted with MIG Plot and she has paid the entire amount as per the allotment conditions. However, despite the receipt of the entire sale



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consideration in respect of the plot, the respondents Housing Board has not executed the sale deed in favour of the petitioner. The stand now raised by the respondents is that a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) was not properly accounted by the respondents officials and also, the petitioner has not come forward for execution of the sale deed. Thereby, by invoking power under Section 84 of the Tamil Nadu State Housing Board Act, 1961, the respondents canceled the allotment order in favour of the petitioner and executed the sale deed in favour of the 3rd party.

6. The respondents have no justification to delay the execution of the sale deed in spite of having received the entire sale consideration as early as December, 2018. This attitude of the Housing Board in not executing the sale deed even after receipt of the entire amount from the petitioner, showing lame reasons that because of some officials committed a mistake, cannot be held against the petitioner. This attitude of the respondents officials is not appreciable. Hence, this Court is inclined to dispose of the Writ Petition with the following directions:



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“(i) The first respondent / Managing Director is directed to conduct enquiry and take appropriate departmental action against the erring officials.

(ii) The first respondent / Managing Director is also directed to take a decision for allotment of the plot in favour of the petitioner.

(iii) The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

(iv) The first respondent / Managing Director is also directed to file a report before this Court on or before 28.07.2023, failing which, the first respondent shall appear before this Court.”

7. With the above directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.



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8. List the matter on 28.07.2023 under the caption “for reporting compliance”.

27.06.2023

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

vji

To

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