



W.A.No.2649 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2649 of 2023

T.Jarina Fathul

.. Appellant

Vs.

1.Vasanthak Kokilam
2.Saroja
3.Sridharan
4.Sulochana

5.The Managing Director,
Tamilnadu Housing Board,
CMDA Complex, E&C Market Road,
Koyamnedu, Chennai-600 107.

6.The Secretary,
Tamilnadu Housing Board,
CMDA Complex, E&C Market Road,
Koyamnedu, Chennai-600 107.

7.The Executive Engineer,
Besant Nagar Housing Board Division,
Tamil Nadu Housing Board,
Adyar, Chennai-600 020.

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8. The Administrative Officer,
Besant Nagar Housing Board Division,
Tamilnadu Housing Board,
Adyar, Chennai-600 020.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 12.8.2022 passed in W.P.No.20823 of 2022.

For the Appellant : Mr.S.Mukund
Senior Counsel
for M/s.Sarvabhauman Associates

For the Respondents : Ms.M.Mayadevi
assisted by
Mr.S.Rameshkumar
for respondents 1 to 4

: Mr.D.Veerasekaran
for respondents 5 to 8

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Mukund, learned Senior Counsel for M/s.Sarvabhauman Associates, learned counsel for the appellant; Ms.M.Mayadevi, assisted by Mr.S.Rameshkumar, learned counsel for



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respondents 1 to 4; and, Mr.D.Veerasekaran, learned counsel for respondents 5 to 8.

2. Amongst other submissions, one of the submissions made by learned Senior Counsel for the appellant is that, though the appellant had interest in the subject writ property, the appellant was not added as party in the writ petition and order is passed directing the Executive Engineer, Besant Nagar Housing Board Division to pass orders on the original writ petitioners' representation seeking execution of the sale deed in favour of the writ petitioners for the property admeasuring 640 sq. ft. (LIG 1041). According to learned Senior Counsel, the Tamil Nadu Housing Board has already executed the sale deed in favour of the appellant on 23.10.2020 in respect of the same property.

3. According to learned counsel for respondents 1 to 4, the Tamil Nadu Housing Board has allotted the said writ property to the father of the writ petitioners in the year 1987.

4. It appears that the Tamil Nadu Housing Board has entered



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into a transaction with the present appellant, as is claimed by the appellant, and also with the writ petitioners, as is claimed by the writ petitioners. In fact, the Tamil Nadu Housing Board ought to have brought this fact to the notice of the Court.

5. As the present appellant was not a party to the writ petition and order is passed, we pass the following order:

- (i) The impugned order of the learned Single Judge is quashed and set aside and the parties are relegated before the learned Single Judge.
- (ii) The parties shall appear before the learned Single Judge in the writ petition bearing No.20823 of 2022 on 08.11.2023.
- (iii) The learned Single Judge may thereafter, as per his convenience, take up the matter.
- (iv) The present appellant shall be treated as respondent No.5 in the writ petition.
- (v) Necessary amendment to that effect be made by the office in the writ petition.



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6. With the above observations and directions, the writ appeal stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.22276 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

03.10.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

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