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W.P.No.26759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.26759 of 2023

V.Vijayalakshmi

.. Petitioner

VS

1.The Superintendent Engineer,
Tamilnadu Housing Board,
Tatabad, Coimbatore Division,
Coimbatore.

2.The Executive Engineer,
Tamilnadu Housing Board,
Tatabad, Coimbatore Division,
Tamilnadu Housing Board.

3.D.Nagaraj

4.Rajeswari

5.Selvi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to execute sale deed in favour of petitioner on the basis of representation dated 04.09.2022 within a stipulated period as directed by this Court.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.D.Veerasekaran
for R1, R2
R3 to R5 – Service awaited



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ORDER

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Mr.D.Veerasekaran, learned counsel, appears on behalf of Superintendent and Executive Engineer, Tamil Nadu Housing Board (R1 & R2). R3 to R5 are private respondents and service is not complete qua those respondents. However, this is not material for final disposal of the matter seeing as their interests have also been borne in mind and have been duly protected by virtue of this order.

2. The petitioner seeks a mandamus directing R2 to execute sale deed in favour of the petitioner on the basis of his representation dated 04.09.2022 in respect of property in Survey No.671/1-Part-42 part LIG – Door No.E/109, 988 Sq.ft, Ganapathy Village, under Scheme Ganapathy NHS BK VII & VII Block, Neighbourhood Scheme, Coimbatore Housing Unit, Coimbatore (property / property in question).

3. The writ affidavit contains various factual averments in relation to how the petitioner claims ownership to the property or to be entitled to mandamus. However, I am not inclined to go into the averments simply for the reason that they touch upon factual matrices and moreover, the private respondents are not represented before me to put forth their submissions in regard to the same.

4. Mr.Veerasekaran would draw attention to the fact that



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there is no acknowledgement card produced in regard to representation dated 06.11.2020 that has been addressed to R1 on 04.09.2022. Thereafter, the petitioner has reiterated the same request to the concerned Minister only. Thus, he would express some doubt as to whether representation dated 06.11.2020 has in fact been received by the authorities.

5. Learned counsel for the petitioner also would accede to the position that there has been no acknowledgement card received from the authorities in this regard.

6. Hence it would be appropriate, and this Court permits the petitioner to make a fresh representation to R2, enclosing a copy of this order not later than four weeks from today. Upon receipt thereof, R2 will issue notice to the petitioner as well as to the private respondents, look into evidences, if any, submitted by them, and pass orders on the representation of the petitioner strictly in accordance with law and in line with the principles of natural justice, all within a period of twelve weeks from date of first personal hearing.

7. Writ petition stands disposed in above terms. No costs.

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Index:Yes/No

Neutral Citation:Yes

ssm

Note to Registry : Issue on 07.11.2023.



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DR. ANITA SUMANTH,J.

ssm

To

- 1.The Superintendent Engineer,
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Tatabad, Coimbatore Division,
Coimbatore.
- 2.The Executive Engineer,
Tamilnadu Housing Board,
Tatabad, Coimbatore Division,
Tamilnadu Housing Board.

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