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W.M.P.No.24589 of 2023
in W.P.No.23025 of 2023

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N.SESHASAYEE, J.

The petitioner in this miscellaneous petition seeks to implead her in W.P.No.23025 of 2023. She explains her circumstances as below;

- The petitioner was allotted a plot No.MIG-676 for which she was required to pay Rs.12,96,000/-, out of which she was required to pay Rs.4,54,000/- as down payment. The remaining was required to be paid in equal monthly instalments of Rs.18,220/- per month for five years.
- The petitioner claims that she had paid the entire balance sale consideration even within a period of three years and only the sale deed remained to be executed by the Tamil Nadu Housing Board.
- The petitioner was repeatedly approaching the Tamil Nadu Housing Board with multiple representations for execution of the sale deed. As nothing seems to be happening, the petitioner moved this Court with W.P.No.14321 of 2023 for a certain relief.



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➤ It appears in the course of the proceedings, the Tamil Nadu Housing Board had admitted the entire sale consideration was received by it, but also stated that the officials have inadvertently executed the sale deed in favour of a third party. It is in these circumstances, this Court passed the following order on 27.06.2023:

"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 respondent officials is not appreciable. Hence, this Court is inclined to dispose of the Writ Petition with the following directions;

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.



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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 the Court.

2.Pursuant to the directions of this Court, the Managing Director of the Tamil Nadu Housing Board is stated to have held an enquiry, in which he cancelled the allotment made to the writ petitioner. Based on the proceedings of the Managing Director, the letter came to be issued by the 1st respondent, the Executive Engineer dated, 28.07.2023, and this is under challenge in W.P.No.23025 of 2023. Now the present applicant submits that in view of the order that she had secured in W.P.No.14321 of 2023, the Managing Director had passed the order leading to the impugned letter of 1st respondent, it is only necessary that she participates in the proceeding.

3.Heard the learned counsel for the petitioner. Ultimately, both the writ petitioner in W.P.No.23025 of 2023 and the petitioner in this W.M.P.No.24589 of 2023 seek right over the same plot of land. While the



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writ petitioner claims that a sale deed has been executed in his favour and that he is in possession thereof, the learned counsel for the petitioner in the miscellaneous petition claims that he is clothed with an order of this Court in W.P.No.14321 of 2023. Ultimately what emerges is that a fraud indeed has been committed by an official of the Tamil Nadu Housing Board and to the knowledge of this Court this is a second case pending before this Court with the same complaint that arises from the same belt. This miscellaneous petition stands allowed, and the petitioner in W.M.P.No.24589 of 2023 is hereby impleaded as 6th respondent.

4.This court now *suo motu* impleads the following respondents;

- i) Managing Director, Tamil Nadu Housing Board as 4th respondent.
- ii)The Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai 600009 as 5th respondent; and

5.Mr.V.Manokaran, the learned Additional Government Pleader takes notice for the newly impleaded respondents 4 and 5.

6.This Court requires the Managing Director, Tamil Nadu Housing Board, to



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file his counter affidavit detailing how the same plot came to be allotted to two persons and whether he has conducted any enquiry to identify such official of the Tamil Nadu Housing Board, who is responsible for the situation.

7.This Court now directs the Registry to tag this matter along with W.P.No.22851 of 2018 and post the matter on 16.10.2023. Counter of respondents 4 to 6 by then.

20.09.2023

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20.09.2023