



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.31092 of 2022
and
W.M.P.No.30509 of 2022

P.Karuppusamy

.. Petitioner

Vs.

1. Tamil Nadu Housing Board,
Rep.by its Managing Director,
CMDA Campus,
E & C Market Road,
Koyambedu,
Chennai – 600 107.
2. The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Unit,
Tatabad,
Coimbatore – 641 012.
3. The Sub-Registrar,
Singanallur,
Coimbatore.
4. The District Registrar,
Coimbatore District,
Coimbatore.



5. The Commissioner of Police,
Coimbatore District.
Coimbatore.

... Respondents

(4th and 5th respondents are suo motu
impleaded vide order dated 02.03.2023)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to take suitable action to cancel the forged Sale Deed registered as Document No.278/2010 dated 13.01.2010 executed by the 2nd respondent to on A.Govindasamy and also the further Sale Deed executed by A.Govindasamy to J.Poongodi, registered as document No. 1046/2011 dated 09.02.2011 and initiate suitable action against the person who indulged in creation of the forged document and by further directing the 1st and 2nd respondents to execute the Sale Deed in respect of House No.300, SIHS Colony, Singanallur, Coimbatore in favour of the petitioner within the time frame stipulated by this Court.

For Petitioner

.. Mr.Balan Haridas

For R1 & R2

.. Mr.D.Veerasekaran

Standing Counsel

For R3

.. Mr.T.Seenivasan,

Special Government Pleader



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ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the 1st respondent / Managing Director, Tamil Nadu Housing Board, Chennai, to take action to cancel the forged Sale Deed registered as Document No.278 of 2010 dated 13.01.2010 executed by the 2nd respondent, Executive Engineer and Administrative Officer, Coimbatore Housing Unit, Tamil Nadu Housing Unit, Coimbatore, to one A.Govindasamy and also a further Sale Deed executed by A.Govindasamy to J.Poongodi which was registered as Document No.1046 of 2011 dated 09.02.2011 and initiate suitable action those who indulged in creation of the said forged documents and further directing the 1st and 2nd respondents to execute the sale deed in respect of House No.300, SIHS Colony, Singanallur, Coimbatore, in favour of the petitioner within a time frame as stipulated by this Court.

2.In the affidavit filed in support of the writ petition, the petitioner P.Karuppusamy had stated that during the year 1955-1956, the Government of Tamil Nadu had formulated a Scheme for construction of houses/tenements to the industrial workers under the Subsidised Industrial



workers Housing Scheme. The eligible beneficiaries were selected by the Assistant Commissioner of Labour, Coimbatore. The father of the petitioner was working in Rajalakshmi Mills Limited, Singanallur, Coimbatore and had applied under the aforementioned scheme. He was selected for allotment and the house allotted was House No.300 as mentioned above. He has to pay a sum of Rs.15/- as a nominal rent from his wages and remitted to the 2nd respondent.

3.It is further stated that the mother of the petitioner died on 04.09.2006 and father died on 21.07.2009. The sister of the petitioner P.Lakshmi had released her share in the said house which had been allotted and therefore, the petitioner claims exclusive right to recognize as allottee by the 1st and 2nd respondents. An order to that effect was also passed by the 2nd respondent on 14.12.2021 transferring the allotment in favour of the petitioner herein.

4.It is stated that, however, the 2nd respondent had executed a sale deed in favour of one Govindasamy which sale deed was registered as Document No.278 of 2010 dated 13.01.2010 and Govindasamy in turn sold



the property to one Poongkodi by sale deed dated 09.02.2011 registered as Document No.1406 of 2011. Claiming that the petitioner had been seriously prejudiced by those registrations, the Writ Petition has been filed seeking the aforementioned relief.

5.In the counter affidavit filed by the 2nd respondent, it had been stated as follows:

“6.I respectfully submit that on Thiru Govindasamy, in connivance with Thiru M.Chinnathambi Pillai, Manager (Marketing and Services) (now Retired), Thiru R.Palanisamy, Superintendent (now Retired) and Thiru N.Nelson Assistant (now Retired), all employees of the Respondent / Board, fraudulently executed Sale Deed in favour of Thiru Govindasamy, vide Document No.278 of 2010. Subsequently, the said Thiru.S.Govindasamy sold the property to one J.Poonkoodi vide document No.1406 of 2011 of Sub-Registrar of Singanallur, Coimbatore.

7.I respectfully submit that the 2nd respondent has been initiating steps to file police complaint against the three officials of the Respondent / Board for the fraudulent execution of Sale Deed. Similarly, the 2nd Respondent has proposed to approach the Registration Department for cancellation of the fraudulent Sale Deed executed vide



Document No.1406/11, As per Section 77(A) of the Registration Act, 1908. These actions are personal by the 2nd Respondent without prejudice to the action proposed to be taken by the petitioner independently.”

6.Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.D.Veerasekaran, learned Standing Counsel for the 1st and 2nd respondents.

7.The facts stated in the counter affidavit, practically affirms that the erstwhile Manager (Marketing and Service), M.Chinnathambi Pillai, the erstwhile Superintendent, R.Palanisamy and the erstwhile Assistant, N.Nelson, who are all former employees of the Tamil Nadu Housing Board, had fraudulently executed sale deed in favour of S.Govindasamy, over the property, which had been allotted to the petitioner herein.

8.It is only appropriate that the District Registrar, Coimbatore and the Commissioner of Police, Coimbatore, are suo motu impleaded as respondents 4 and 5.



9.The learned Special Government Pleader, who already represents the 3rd respondent, Sub-Registrar, Singnallur, Coimbatore, also takes notice for the newly impleaded 4th and 5th respondents.

10.It is contended by Mr.D.Veerasekaran, learned Standing Counsel that the 1st and 2nd respondents has now found out that many such fraudulent sale deeds had been executed for properties already allotted in favour of third parties. It is stated that therefore necessary steps had been taken under Section 77(A) of the Registration Act, 1908. In this connection, it is clear that, such fraudulent transactions have actually taken place. It is necessary to monitor the progress of the complaint given by the 1st and 2nd respondents under Section 77(A) of the Registration Act, 1908.

11.It is therefore directed that the District Registrar Coimbatore, monitors the said complaint and take necessary steps within a specified period of time.

12.But independent of that, an obligation is also placed on the Commissioner of Police, Coimbatore, to examine the entire issue, call upon



the 2nd respondent / Executive Engineer & Administrative officer, Tamil Housing Board, Coimbatore Housing Unit, Tatabad, Sivanandacolony, Coimbatore – 641 012, S.Anbumani, who had filed the counter affidavit and get details about such fraudulent sale deeds executed by the former employees of the Tamil Nadu Housing Board and form Special Team to enquire into all those fraudulent sale deeds and take necessary action in accordance with law. The Commissioner of Police, has a responsibility to take necessary action since a cognizable offence has been drawn to his attention. The 2nd respondent is also under an obligation to inform about the execution of fraudulent sale deeds.

13.If it is found to be fraudulent, the District Registrar, Coimbatore, has a duty to ensure that the proceedings under Section 77(A) of the Registration Act, 1908, are completed at the earliest, of course by following due process of law and take necessary steps to cancel those documents.

14.I am confident that the 4th and 5th respondents would act in accordance with law, to protect the dignity of the posts they hold and also to ensure that further fraudulent documents are not in any manner registered by the officials of the Tamil Nadu Housing Board.



15. Let in the first place, the documents executed in favour of S.Govindasamy and subsequently executed in favour of J.Poonkodi be examined as a test case and an order be passed by the 4th and 5th respondents within a period of 12 weeks from the date of receipt of a copy of this order.

16. If the documents are cancelled, consequential relief is issued that the 1st and 2nd respondents to execute a sale deed with respect to the aforementioned plot allotted to the petitioner after transferring from the name of his father within a period of eight weeks from that date.

17. The 4th respondent may examine whether there are complaints already pending under Section 77(A) of the Registration Act, 1908, preferred by the Tamil Nadu Housing Board in his file and if not call upon the 2nd respondent to give such complaints and the 2nd respondent after examining the records may give complaints and necessary action to be taken within a period of 12 weeks from the date of receipt of the complaints.



18. With the above observations, this Writ Petition stands disposed of.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

02.03.2023

Index: Yes/No

Internet: Yes/No

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To

1. The Managing Director,
Tamil Nadu Housing Board,
CMDA Campus,
E & C Market Road,
Koyambedu,
Chennai – 600 107.
2. The Executive Engineer and Administrative Officer,
Coimbatore Housing Unit,
Tamil Nadu Housing Unit,
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Coimbatore – 641 012.
3. The Sub-Registrar,
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C.V.KARTHIKEYAN,J.

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