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W.P.No.31086 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31086 of 2019

And

W.M.P.Nos.31206 and 31207 of 2019

S.Vennila

... Petitioner

Vs.

1.The Chairman,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.

2.The Executive Engineer – cum -
Administrative Officer,
The Tamil Nadu Housing Board,
Villupuram Housing Unit,
Villupuram – 605 602.

3.The Sub Registrar,
Office of the Sub Registrar,
Thirupathirupuliyur,
Cuddalore.

4.The Tahsildar,
Taluk Office,
Beach Road,
Cuddalore.

5.Santhanakrishnan

... Respondents



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Prayer:

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering or changing the physical features or modifying the property situate in Cuddalore Registration District, Cuddalore Joint I – Sub Registration District, Survey No.21/11, Part of Nathapattu Village, Cuddalore, LIG Plot No.79 in the sanctioned plan of Nathapattu Neighbourhood Scheme and measuring 775 sq.ft. bounded on North by 7.00 mt. road, on the East by LIG Plot No.80, on the South by MIG Plot No.97, 96 and West by LIG Plot No.78, measuring on the North by 6 mt. and East by 12 mt., on the South by 6 mt., on the West by 12 mt. and in all measuring 72 sq.mt. or 775 sq.ft., which is morefully described in the sale deed dated 03.02.2015 in Doc.No.1049 of 2015, on the file of the third respondent herein.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.D.Veerasekaran

for TNHB

Mr.U.Baranidharan for R3 & R4

Additional Government Pleader

Mr.S.Manivasagam for R5

ORDER

The petitioner has filed this writ petition seeking issuance of



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Writ of Mandamus forbearing the respondents from interfering or changing the physical features or modifying the property situate in Cuddalore Registration District, Cuddalore Joint I – Sub Registration District, Survey No.21/11, Part of Nathapattu Village, Cuddalore, LIG Plot No.79 in the sanctioned plan of Nathapattu Neighbourhood Scheme and measuring 775 sq.ft. bounded on North by 7.00 mt. road, on the East by LIG Plot No.80, on the South by MIG Plot No.97, 96 and West by LIG Plot No.78, measuring on the North by 6 mt. and East by 12 mt., on the South by 6 mt., on the West by 12 mt. and in all measuring 72 sq.mt. or 775 sq.ft., which is morefully described in the sale deed dated 03.02.2015 in Doc.No.1049 of 2015, on the file of the third respondent.

2.The case of the petitioner is that the petitioner purchased a plot from the respondent Board vide sale deed dated 03.02.2015 registered as Document No.1049 of 2015. Whiles, the second respondent all of a sudden, without any notice visited the petitioner's property and removed the survey stones and the bush fences and when the petitioner enquired about the same, the second respondent informed the petitioner that there is change in the lay out and that his plot is moved further in the Eastern side. Thereafter, the



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petitioner made detailed representation to the respondents seeking to stop their acts, however, the third respondent gave a copy of the new plan and informed the petitioner that the properties will be identified as per the new plan. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents to issue rectification deed without reducing/ altering the original extent of land purchased by the petitioner.

4.The learned counsel appearing for the Tamil Nadu Housing Board submitted that the original extent of land purchased by the petitioner will not be reduced and rectification deed will be issued in favour of the petitioner by modifying the boundaries.

5.In view of the above, this Court directs the second respondent to execute rectification deed in favour of the petitioner without reducing/ altering the original extent of the land purchased by the petitioner vide sale deed dated 03.02.2015 registered as Doc.No.1049 of 2015, on the file of the third respondent.



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6. With the above direction, this writ petition stands disposed of.

No costs. Consequently, the connected miscellaneous petitions are closed.

25.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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M.DHANDAPANI,J.
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