



WEB COPY



W.P.No.29796 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29796 of 2018

A.Stephen

... Petitioner

Vs.

1.Tamil Nadu Housing Board,
rep. by its Chairman,
Kamarajar Salai,
Chennai – 5.

2.The Executive Engineer,
J.J. Nagar Division,
Tamil Nadu Housing Board,
J.J. Nagar East,
Chennai – 37.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to execute sale deed in respect of Plot No.4825-A Type, Ambattur Thitta Pagudhi 1 and 2 in favour of petitioner herein and hand over possession of the said plot to the petitioner in pursuance of the allotment letter No. AMB/4825/94 dated 21.04.1994.

For Petitioner : Mr.K.Gajendiran
For Respondents : Mr.D.Veerasekaran for R1
Standing Counsel for TNHB
Mr.J.Doraisamy for R2



W.P.No.29796 of 2018

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to execute sale deed in respect of Plot No.4825-A Type, Ambattur Thitta Pagudhi 1 and 2 in favour of petitioner and hand over possession of the said plot to the petitioner in pursuance of the allotment letter No.AMB/4825/94 dated 21.04.1994.

2.The case of the petitioner is that the petitioner was allotted with the subject property on 21.04.1994 and the petitioner also paid the entire amount as directed by the respondents, however, the respondents have not yet executed sale deed and handed over possession in favour of the petitioner. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner was allotted with the subject property on 21.04.1994 and the petitioner also paid the entire amount as directed by the respondents. Thereafter, the petitioner came to know that the subject property has been occupied by some other person and the petitioner issued legal notice to the respondents, however, till date, sale deed has not been executed in favour of the petitioner and



W.P.No.29796 of 2018

possession has not been handed over to the petitioner.

WEB COPY

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Perusal of records disclose that the second respondent vide letter dated 26.07.2006 informed the petitioner that sale deed in respect of the subject property has been issued to the petitioner on 05.05.2005, however, the petitioner has issued legal notice to the second respondent only on 26.06.2018, after a lapse of nearly 12 years. Hence, the prayer sought for in this writ petition cannot be granted.

6.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to approach the competent civil Court for appropriate relief. No costs.

27.03.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

3/4



WEB COPY

To

1. Tamil Nadu Housing Board,
rep. by its Chairman,
Kamarajar Salai,
Chennai – 5.
2. The Executive Engineer,
J.J. Nagar Division,
Tamil Nadu Housing Board,
J.J. Nagar East,
Chennai – 37.



W.P.No.29796 of 2018

M.DHANDAPANI,J.
pri

W.P.No.29796 of 2018

27.03.2023