



W.P.(MD)No.21699 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21699 of 2023

S.Esthar

... Petitioner

versus

1. The Executive Engineer,
Tamil Nadu Housing Board,
Housing Board, Trichy Zone,
Tiruchirapalli District.

2. S.Rahul Joseph

3. S.Pridheev Benjamin

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to take expedite steps to consider the petitioner's representation dated 13.05.2019, 14.02.2019, 23.04.2021, 21.08.2023 regarding to execute the sale deed for the House bearing Door No.M2, Salai Road, Housing Unit, Trichy, in favour of the petitioner within a fixed time frame.



W.P.(MD)No.21699 of 2023

For Petitioner : M/s.S.Jeya Revathi

For R1 : Mr.M.Suresh,
Standing Counsel for TNHB

ORDER

Based on an unregistered sale agreement dated 30.10.1998 executed by one Sabapathi in favour of the petitioner's husband for the house property in Door No.M2, Salai Road, Housing Unit, Trichy, which has been allotted by the Housing Board, the petitioner has submitted several representations to the first respondent/Housing Board and has also filed this writ petition for a Mandamus, directing the first respondent/Housing Board to allot the house of Sabapathi in her name.

2. The learned counsel appearing for the petitioner submits that the house property bearing Door No.M2, Salai Road, Housing Unit, Trichy, was originally allotted to one Sabapathi in the year 1978. The petitioner's husband (now deceased) had purchased the property from the said Sabapathi by way of a sale agreement. After executing the sale agreement, the said Sabapathi died on 31.03.1999. During the life



W.P.(MD)No.21699 of 2023

time of Sabapathi, he had attempted to evict the petitioner from the property. Therefore, the petitioner has also filed a Civil Suit before the District Munsif Court, Trichy in O.S.No.1596 of 1994 and obtained an order of injunction. Based on the sale agreement, the petitioner has approached the Housing Board and submitted several representations for transfer of the house of Sabapathi in her favour. Since the same have not been considered so far, this writ petition is filed.

3. Mr.M.Suresh, learned Standing Counsel for TNHB, takes notice for the first respondent and submits that the house in Door No.M2, Salai Road, Housing Unit, Trichy, was originally allotted to one Sabapathi in the year 1978 and he died on 31.03.1999. One Subramani, the brother of Sabapathi, has claimed that he is the only legal heir of Sabapathi. Therefore, the Housing Board, after conducting an enquiry and based on the legal heir certificate given by Subramani, has allotted the property in favour of Subramani on 01.07.1999. Thereafter, the said Subramani also died on 02.02.2000.



W.P.(MD)No.21699 of 2023

On the application given by one Balachander, the son of Subramani, for transfer of the allotment of the house, the proceedings are pending.

Therefore, as on date, the petitioner is not having any legal rights for claiming allotment of the property.

4. In view of the said submission, this writ petition is disposed of with a liberty to the petitioner to work out her remedy before the competent Civil Court. No costs.

07.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

The Executive Engineer,
Tamil Nadu Housing Board,
Housing Board, Trichy Zone,
Tiruchirapalli District.



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W.P.(MD)No.21699 of 2023

B.PUGALENDHI, J.

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W.P.(MD)No.21699 of 2023

07.09.2023